



TO: The Coastal Resources Commission

FROM: Christine A. Goebel, DEQ Assistant General Counsel

DATE: April 23, 2025 (for the April 30-May 1, 2025 CRC Meeting)

RE: **Variance Request by Betty Earnest (CRC-VR-25-01),
Supplemental Information**

At your February 2025 CRC Meeting, you heard a variance request by Petitioner Betty Earnest who owns property at 1180 New River Inlet Road in North Topsail Beach, Onslow County. Petitioner had proposed one house design/location during permit review, then modified it for the purposes of the February variance hearing. During your hearing, you asked the parties to develop additional facts including a third design that was being discussed by the Commission and Petitioner.

This packet serves as a supplement to the original packet from February, with additional stipulated facts and exhibits as well as updated positions by both Petitioner and Staff on the four variance criteria. Petitioner now seeks a variance to waive the 90' oceanfront setback and 60' minimum setback in order to develop her third revised site plan design.

The following additional information is attached to this memorandum:

Attachment A: Relevant Rules
Attachment B: Stipulated Facts
Attachment C: Petitioner's Positions and Staff's Responses to Variance Criteria
Attachment D: Petitioner's Variance Request Materials
Attachment E: Stipulated Exhibits including powerpoint

cc(w/enc.): I Clark Wright, Jr., Esq., Petitioner's Attorney, electronically
Samantha Hamilton, Esq. Petitioner's Attorney, electronically
Mary Lucasse, Special Deputy AG and CRC Counsel, electronically
Deb Hill, NTB Planning Director, electronically



ADDITIONAL STIPULATED FACTS

32. At its February 26, 2025, hearing on Petitioner's Variance Request, the Commission voted to hold Petitioner's variance request open and invited Petitioner and DCM to provide the Commission with additional stipulated facts and exhibits. As discussed in these revised stipulated facts and exhibits, and in her other amended Variance Request materials, Petitioner now seeks to have her Amended Variance Request heard at the Commission's regularly scheduled April 2025 meeting. On March 1, 2025, counsel to the Commission provided DCM and Petitioner's counsel with a letter setting forth this invitation and detailing the types of additional information requested by the Commission. A copy of this letter is attached as a stipulated exhibit.
33. During its February 2025 meeting, on February 27, 2025, the Commission reviewed the proposed amendments to 7H.0309 and amended the draft rule to remove the June 1, 1979, date and the 1,000 SF footprint maximum. Additionally, the Commission approved an increase in the TFA maximum from 2,000 to 2,500 SF.
34. Pursuant to applicable provisions of North Carolina law, the draft amendments to 15A NCAC 07H.0309(b) approved for public hearing by the Commission on February 27, 2025, will not take effect until the completion of required rulemaking procedures, including codification in the North Carolina Register. As of the Commission's April 2025 regularly scheduled meeting, these approved rule amendments are not yet effective.
35. In consideration of the Commission's request for additional information and the draft amended language of 07H.0309(b), approved by the Commission on February 27, 2025, Petitioner directed her CAMA authorized agent, Charles Riggs, to revise her Site Plans to comply with the draft amended 7H.0309(b) oceanfront setback exception. Petitioner's newly revised Site Plans, dated March 14, 2025, are attached as a stipulated exhibit. These newly revised Site Plans depict lines which are 60' and 75' landward of the vegetation line, as well as the applicable 90' setback line, and the location of Petitioner's proposed development relative to Petitioner's neighbors' houses located at 1174 and 1190 New River Inlet Road. The line 60' landward of the vegetation line represents the setback line that would apply to Petitioner's property were the draft amended language of 15A NCAC 7H.0309(b) currently in effect. These revised Site Plans also contain other information requested by the Commission in its March 01, 2025, letter.
36. Petitioner's two earlier Site plans were attached as stipulated exhibits to the original variance packet. The second Site Plan, dated December 20, 2024, modified Petitioner's original Plan by removing the front access stairway and relocating the footprint of the house as far landward as possible given the 30' of easements on the landward side of the property.
37. Petitioner's newest Site Plan keeps the prior modifications and further modifies the Site Plans to include a reduction in TFA from 2,837 SF to 2,460 SF, remove the 284 SF cupola, and modify the back deck to be structurally independent and uncovered. These new plans

reflect the alterations to the house plans Petitioner directed her builder to make in light of the amendments to 15A NCAC 7H.0309(b) adopted by the Commission on February 27, 2025. Petitioner's modified house plans, dated March 12, 2025, is attached as a stipulated exhibit. The newly revised Site Plan demonstrates that Petitioner's modified footprint is: (i) located as far landward as possible given the existing DOT and driveway easements; (ii) located at least 60' landward of the vegetation line; and (iii) no further forward than the two adjacent houses.

38. As revised, Petitioner's proposed beach home footprint is located 73.5' landward of the vegetation line at the southeast corner and 74.1' landward of the vegetation line at the southwest corner. Additionally, Petitioner and Petitioner's surveyor represent to DCM and the Commission that the newly revised Site Plan continues to comply with applicable Town setbacks.
39. At the Commission's request, and in compliance with 15A NCAC 7J.0701, Petitioner's counsel sent letters re-notifying the adjacent landowners of her newly revised Site Plan. These notices contained a copy of the newly revised Site Plan. Copies of the notification letters, certified mail receipts, and green cards, attached as a stipulated exhibit, confirm delivery to Riegle/Griffith and Burgner and Wenrich on behalf of EDHV, LLC.
40. Petitioner has received new statements of support from adjacent property owners Riegle/Griffith and nearby property owners Susan and Rex Ballard; copies of each are attached as stipulated exhibits.
41. Petitioner believes that her newly revised Site Plan complies with the draft amended setback exceptions provisions set forth in 15A NCAC 7H.0309 as approved by the Commission on February 27, 2025. Despite this approval, Petitioner recognizes that the Commission's newly adopted amendments are not yet in effect, and therefore that a variance from the currently effective setback and setback exceptions rules is still required to develop her property as described in Petitioner's Amended Variance Request and newly revised Site Plan. Petitioner's amended stipulation of noncompliance is attached as a stipulated exhibit.
42. At the April CRC meeting, DCM Staff anticipate presenting the 2025 update to the Commission's Erosion Rate Report. In addition to updating erosion rates, the study is evaluating different calculation methodologies. The State is expected to transition from the end-point method, which has been used since 1980 and relies on only two shoreline data points, to the least squares regression method, which incorporates multiple shoreline measurements for a more comprehensive analysis. This shift will better account for short-term shoreline fluctuations, which the end-point method overlooks. Erosion rates along North Carolina's oceanfront fluctuate due to variations in storm activity, intensity, and engineering practices such as beach nourishment. Since 1980, erosion setback factors at 1180 New River Inlet Road have ranged from 2 to 3 feet per year, with four of the last seven studies, including the current one, showing a setback factor of 3 feet per year. However, the latest study, set to be presented to the NC Coastal Resources Commission (CRC) in April 2025, proposes a reduced erosion rate of 2.0 feet per year. If approved, this

new rate will establish a minimum setback of 60 feet for structures under 5,000 square feet and will become effective later in 2025 following the rulemaking process.

ADDITIONAL STIPULATED EXHIBITS

1. March 01, 2025, Letter from CRC Counsel
2. Petitioner's March 14, 2025, Revised Site Plans
3. Petitioner's March 12, 2025, Revised House Plans
4. Adjacent Landowner Re-Notification Letters, Certified Mail Receipts, and Green Cards Confirming Receipt
5. Statement in Support of Revised Plans from Neighbors Riegle/Griffith
6. Statement in Support of Revised Plans from Neighbors Susan and Rex Ballard
7. Amended Stipulation of Noncompliance
8. 2025 update to the Commission's Erosion Rate Report (do we need to attach this as an exhibit?)

PETITIONER'S and STAFF'S POSITIONS**ATTACHMENT C**

As an initial matter, Petitioners seek a variance from the Commission's procedural requirement for variances at 15A NCAC 7J .0701, which requires that a Petitioner must first "seek relief from local requirements restricting use of the property." As stated in the Facts below, Petitioner does not wish to seek a variance from the Town's rear lot setback, as there is a 20' wide road easement along the rear of the lot limiting how far landward a house could be placed on the Site. Staff recommend that Petitioners not be required to first seek a local variance in this circumstance.

I. Will strict application of the applicable development rules, standards, or orders issued by the Commission cause the petitioner unnecessary hardships? If so, the petitioner must identify the hardships.

Petitioners' Position: Yes.

Petitioner respectfully contends that the answer is "Yes." Her previously destroyed home and the immediately adjacent destroyed duplexes, coupled with changes in the ocean setback rules applicable in the Town of North Topsail Beach since those now-destroyed structures initially were built constitute a unique set of real property and regulatory circumstances sufficient to support a finding of unnecessary hardship. One thing is for certain – all of the mind-boggling set of "bad luck" circumstances that have beset Petitioner and her property are not in any way her fault or caused by her actions. Quite the opposite. Petitioner here seeks to rebuild the beach home that she bought in December 2018 which has been beset by myriad problems preventing Petitioner and her family from using and enjoying this property – essentially ever since her decision to purchase. Starting just seven months later, the immediately adjacent two duplexes burned to the ground, seriously damaging Petitioner's property in the process. Massive quantities of water were used to extinguish the fire and save Petitioner's home from burning down. Damage from the fire melted siding on the side of Petitioner's beach home and the high volume of water used to save her home caused extensive water damage. For reasons beyond Petitioner's control, especially as a now 90-year-old single woman, contractors took three years to complete repairs to Petitioner's beach home. Many of these repairs had to be redone to meet even basic standards of care, leading to a continuing series of uniquely unfortunate delays. During significant portions of this time, Petitioner was not able to fully use or enjoy her property. Then, only a few months later, and through no fault of her own, in March of 2024 Petitioner's home burned to the ground. The combination of these facts, all uniquely tied to these parcels of real property uniquely tied to each other through this most horrible set of unique circumstances, provide an ample basis for finding that Petitioner has faced a (hopefully) once-in-a-lifetime set of unique and most assuredly unnecessary hardships. Petitioner has taken action to minimize her intrusions into the relevant setbacks – even meeting the 90-foot pre-project line setback that potentially would govern here if the Town of North Topsail Beach had an appropriate beach renourishment plan – and seeking to uniquely reuse portions of the still existing back deck and beach access walkway, thereby making her situation even more unique and further confirming her good faith intentions and desires to minimize any possible adverse impacts.

Staff's Position: No.

The Commission's rules regarding the Ocean Hazard AEC acknowledge that shoreline erosion is part of the oceanfront system, and the intent of the rules is "minimizing losses to life and property resulting from storms and long-term erosion, preventing encroachment of permanent structures on public beach areas, preserving the natural ecological conditions of the barrier dune and beach systems, and reducing the public costs of inappropriately sited development" (15A NCAC 07H .0303(b)). Staff contend that the rules, standards and orders of the Commission do not result in an unnecessary hardship where Petitioner can build without a variance in an 871 SF building envelope, and at two stories and a copula, she could design a house at 2,000 SF TFA which lines up with the 2,000 SF size benchmark already used in the existing exception at 7H .0309(b) (while Petitioner's lot does not meet this existing exception because it was platted after 1979, Petitioner could have proposed such a house design and seek a variance solely from the "platted by" date rule).. To reduce the size of a house in an area subject to erosion is not an unnecessary hardship, even pulled back, on a beach which has received one large-scale project in a Town that lacks a static line exception, a beach plan, or a federally approved nourishment project. Conversely, to propose a house in the same footprint of the originally permitted house is a hardship caused by the Petitioner.

Though Petitioner has proposed to pull the house landward 35' in anticipation of seeking this variance and after the permit denial, she cannot meet the 90' setback where the 90' setback line would bisect the "pulled back" house location.

For all these reasons, Staff contends that allowing Petitioner to build a new structure waterward of both the 90' setback (either the designed reviewed/denied during permitting or the "pulled back" location) and the same 2,600 SF size of her prior home would constitute inappropriately sited development.

II. Do such hardships result from conditions peculiar to the petitioner's property, such as location, size, or topography of the property? Explain.**Petitioners' Position: Yes.**

Petitioner respectfully answers "Yes." See all statements contained in #1 above. Petitioner's property is located on a portion of North Topsail Beach whose erosion rate is higher than that of many surrounding sections of shoreline. Moreover, according to information provided by DCM, the measured erosion rate over the past 20+ years has slightly decreased. While still well above 2 feet per year, this slight decline provides some additional, unique factual background. As noted above, the real property purchased by Petitioner in December of 2018 has been uniquely impacted by a series of unnecessary hardships. It is worth noting that Petitioner's commitment in her variance request to move the footprint of her rebuilt home some 35 feet landward takes her entire footprint outside of the 90-foot setback as computed from the pre (beach nourishment) project line. And the location of Petitioner's property relative to the immediately adjacent parcel where the two long existing duplexes burned to the ground, uniquely damaging Petitioner's property (likely planting the seeds that later would blossom into an electrical fire totally destroying Petitioner's

home) further constitutes a peculiar set of conditions justifying a finding in Petitioner's favor on this factor.

Additionally, the unique and peculiar circumstances of a recorded driveway access easement serving only four homes has tied Petitioner's hands in terms of seeking to further reduce or eliminate her oceanfront setback nonconformance. As noted in Petitioner's surveyor's December 20, 2024, email (attached as Stipulated Exhibit), Petitioner cannot legally move her proposed rebuild beach home footprint any further landward due to the unique recorded driveway access easement serving her property and three others. Petitioner's property is further uniquely encumbered by a recorded NCDOT right-of-way/easement, upon information and belief first recorded in 1989 in connection with relocation of New River Inlet Road. See Stipulated Exhibits.

Staff's Position: Yes.

While Staff contends that any hardship suffered by Petitioner is primarily due to the long-term erosion which takes place at this Site, and the impact storms have had on the location of the vegetation line, despite a large-scale nourishment project in 2012, Staff also acknowledge that the average erosion rate at the Site will likely change from 3'/year to 2'/year in the draft 2025 erosion rate maps. Following the February Variance hearing, Staff looked at the proposed 2025 rate maps which are still working their way to the Commission for review and adoption and note that the new rate for the Site is proposed to be 2'/year. This could be viewed as a peculiarity of the Site and its calculated average annual erosion rates.

Staff disagree with Petitioner that the house fire is a condition of the property, where it is not the size, location, topography, or similar feature as required by law for this factor.

III. Do the hardships result from the actions taken by the Petitioner? Explain.

Petitioners' Position: No.

Petitioner respectfully contends that the answer to this unusually worded (essentially a double negative) variance criteria is "No" - In other words, no, these hardships did not result from her actions. Goodness knows that Petitioner has been beset by a multi-pronged series of terrible consequences, all of which clearly are not in any way of her own making. Petitioner incorporates here her responses above, as well as the stipulated facts and exhibits, all of which confirm that her hardships do not result in any way from her own actions. Quite the opposite. At every turn Petitioner has sought guidance and advice on how she can minimize any possible adverse impacts from her efforts to – at long last – be able to enjoy the use of her property, along with her family and friends. As discussed at some length above, the final blow came in March of last year when Petitioner's real property (a home attached to real property becomes a unique and integral part of that real property) burned to the ground. Although the exact cause is still being investigated, Petitioner's insurance company has expressly found that Petitioner was not at fault for the fire and did not cause it in any way. See Stipulated Exhibits. Petitioner has simply been struck repeatedly by misfortune she played no part in creating, and at this time wants only to rebuild the home she lost and, at long last, be able to END her six year gauntlet of dealing with the uniquely awful hardships that have befallen her and her beach home property.

Staff's Position: Yes.

While Staff agree that Petitioner did not cause the hardship of the long-term erosion of the dune systems and resulting vegetation line and static line, the driveway easement or the house fire, Staff note that Petitioner proposes a home the same size as what had been there previously at approximately 2,600 SF and not something smaller in the available building envelope.

IV. Will the variance requested by the petitioner (1) be consistent with the spirit, purpose, and intent of the rules, standards, or orders issued by the Commission; (2) secure the public safety and welfare; and (3) preserve substantial justice? Explain.

Petitioners' Position: Yes.

Petitioner respectfully requests that each CRC Member vote "Yes" on this most important variance request factor. Petitioner relies on and incorporates all prior facts, statements and exhibits. Petitioner respectfully contends that her carefully limited variance request will not in any measurable way jeopardize public health, safety, or welfare. Considering the terrible set of hardships afflicting Petitioner and Petitioner's real property, Petitioner respectfully contends that her limited variance request will most definitely preserve substantial justice under the unique circumstances of this matter. Petitioner's proposed structure will be set back significantly further than many of the existing nonconforming structures located on the shoreline in the immediately surrounding area. Petitioner has agreed to move her proposed redevelopment as far landward as legally possible. To the extent that they are found to be structurally sound, Petitioner has committed to reuse as much of her remaining rear deck and beach access walkway as possible. Petitioner can do little regarding the Town of NTB's current beach renourishment status, but she is confident that her proposed replacement of her beach home, to be set back significantly further than the one she bought just six years ago, will not materially impact those efforts (or vice-versa). Finally, and perhaps most uniquely relevant, the immediately adjacent property where Petitioner's misfortunes began with the total destruction by fire of the two duplexes then located thereon, now sports a brand new single family home, similar to what Petitioner seeks CRC approval to rebuild, and Petitioner has proposed to set back her rebuilt home essentially as far back as her immediately adjacent neighbor's newly built home.

By granting Petitioner's request for a variance, Petitioner respectfully contends that her newly rebuilt beach home will be more consistent with the spirit, purpose, and intent of the CAMA statute and implementing rules than her prior home was. At present, Petitioner's property is vacant, with burned remnants of her beach house, a currently unusable free-standing rear deck and beach access walkway, and little more. It is an eyesore; does not add value to Petitioner's property or the surrounding neighborhood; and does not benefit the natural ecosystem because there is still a structure present. Petitioner's proposed development will match (or in many cases exceed) the setback locations and aesthetics of her neighbors and will be consistent with Petitioner's neighbor at 1174 New River Inlet Road, who rebuilt their duplexes with a single-family home in 2021 after it burned down in late 2019, causing significant damage to Petitioner's then-existing beach house. Petitioner's neighbors at 1184 New River Inlet Road (vacant property immediately adjacent to the

east) support Petitioner's efforts to rebuild her home, just as Petitioner was supportive of her neighbor at 1174 in redeveloping his property with a single-family home in 2020-2021. A written statement of support from the adjacent riparian landowners Dan Reigle and Jen Griffith at 1184 New River Inlet Road is included as Stipulated Exhibit. Petitioner has notified her adjacent neighbors at 1174 New River Inlet Road but has not heard back. See Stipulated Exhibits (confirming notification sent via certified mail, return receipt requested for 1174 and 1184, and confirming delivery of same to neighbor at 1174).

According to relevant portions of DCM's online interactive map, attached as Stipulated Exhibits, historical and current erosion rates previously were measured as high as 3.5 feet per year, resulting in application of a setback factor of 3. As of 2020, the most recent year for which data is available, the measured shoreline erosion rate in this area has reduced to an average of about 2.75 feet per year. While this reduction is not significant enough to change the setback factor of 3, it does provide additional information justifying issuance of the requested variance.

Staff's Position: No.

Staff contend that granting a variance to the Petitioner in order to vary the Commission's oceanfront erosion setback rules to allow the Petitioner to build a new structure waterward of both the applicable 90' setback and waterward of the minimum 60' oceanfront setback exception is not consistent with the spirit, purpose, and intent of the Commission's rules. The Commission's rules have required oceanfront erosion setbacks since 1979 and all structures are required to meet an oceanfront setback (in this case, 90-feet) landward of the vegetation line or PPVL/static line—whichever is most restrictive. The Commission has made limited exceptions for some types of development to be sited oceanward of the required setback, including the minimum 60' oceanfront setback exception provision for structures no more than 2,000 SF and which meet other conditions in 7H .0309(b), and also authorizes limited development within the setback (See the nine types of development listed in 07H .0309). The purpose of the Commission's Ocean Hazard rules is stated at 15A NCAC 7H .0303(b), which notes that

The rules set forth in this Section shall further the goals set out in G.S. 113A-102(b), to minimize losses to life and property resulting from storms and long-term erosion, prevent encroachment of permanent structures on public beach areas, preserve the natural ecological conditions of the barrier dune and beach systems, and reduce the public costs of development within ocean hazard areas, and protect common-law and statutory public rights of access to and use of the lands and waters of the coastal area.

While Staff are sympathetic to Petitioner's circumstances, Staff believes the Commission should strictly enforce the oceanfront erosion setback requirements in order to prevent the re-development of inappropriately sited structures and the costs associated with such structures. In this case, Staff appreciate that the Petitioner, following the permit denial and in anticipation of this variance request, has proposed a new site plan which pulls the 2,600 SF structure somewhat landward than proposed in her application, but Staff also have concerns that the size of the proposed structure remains 2,600 SF.

Under existing rules and with a variance only needed from the platted by date condition of this exception, Petitioner has an 871 SF building envelope in which she could design a home of 2,000 SF, which is the maximum size for structures using “grandfather” provisions in 7H.0309(b). Staff believe it is a benchmark of the Commission which should be observed.

is the need to limit the Total Floor Area of a structure on this Site is especially true where the Town of North Topsail Beach does not have a federally authorized project, a Beach Plan or a Static Line Exception. It is uncertain when the Site might again receive nourishment and so allowing a larger structure entirely within the 90’ setback (and partially into the 60’ minimum setback) when Petitioner could design and build a 2,000 SF structure meeting the setback does not seem in the spirit of the oceanfront setback exception or potential amended rules under discussion.

Staff believe a variance of the oceanfront setback rules would not protect public safety and welfare where the proposed structure does not meet the 90’ applicable setback or entirely meet the 60’ minimum setback while proposing a 2,600 SF structure. Staff contends that granting a variance would not preserve substantial justice where the Petitioner can design a home within the existing 871 SF building envelope without a variance with a Total Floor Area closer to 2,000 SF instead of seeking a variance for either the larger home in the original footprint or the larger home “pulled back” in anticipation of seeking this variance.

CAMA VARIANCE REQUEST FORM**DCM FORM 11****DCM FILE No.:** _____PETITIONER'S NAME: Betty C. EarnestCOUNTY WHERE THE DEVELOPMENT IS PROPOSED: **ONslow**

Pursuant to N.C.G.S. § 113A-120.1 and 15A N.C.A.C. 07J .0700 *et seq.*, the above-named Petitioner now applies to the Coastal Resources Commission (CRC) for a variance.

VARIANCE HEARING PROCEDURES

A variance petition will be considered by the CRC at a regularly scheduled meeting, heard in chronological order based upon the date of receipt of a complete petition. 15A N.C.A.C. 07J .0701(e). A complete variance petition, as described below, must be *received* by the Division of Coastal Management (DCM) a minimum of six (6) weeks in advance of the first day of a regularly scheduled CRC meeting to be eligible for consideration by the CRC at that meeting. 15A N.C.A.C. 07J .0701(e). The final set of stipulated facts must be agreed to at least four (4) weeks prior to the first day of a regularly scheduled meeting. 15A N.C.A.C. 07J .0701(e). The dates of CRC meetings can be found at DCM's website: **www.nccoastalmanagement.net**

If there are controverted facts that are significant in determining the propriety of a variance, or if the Commission determines that more facts are necessary, the facts will be determined in an administrative hearing. 15A N.C.A.C. 07J .0701(b).

VARIANCE CRITERIA

The petitioner has the burden of convincing the CRC that it meets the following criteria:

- (a) Will strict application of the applicable development rules, standards, or orders issued by the Commission cause the petitioner unnecessary hardships? Explain the hardships.
- (b) Do such hardships result from conditions peculiar to the petitioner's property such as the location, size, or topography of the property? Explain.
- (c) Do the hardships result from actions taken by the petitioner? Explain.
- (d) Will the variance requested by the petitioner (1) be consistent with the spirit, purpose, and intent of the rules, standards or orders issued by the Commission; (2) secure the public safety and welfare; and (3) preserve substantial justice? Explain.

SEE ATTACHED DOCUMENT INCORPORATED BY THIS REFERENCE

For this variance request to be complete, the petitioner must provide the information listed below. The undersigned petitioner verifies that this variance request is complete and includes:

- X The name and location of the development as identified on the permit application;
- X A copy of the permit decision for the development in question;
- X A copy of the deed to the property on which the proposed development would be located;
- X A complete description of the proposed development including a site plan;
- X A stipulation that the proposed development is inconsistent with the rule at issue;
- X Proof that notice was sent to adjacent owners and objectors*, as required by 15A N.C.A.C. 07J .0701(c)(7);
- N/A Proof that a variance was sought from the local government per 15A N.C.A.C. 07J .0701(a), if applicable – ***No Local Variance Possible Due to Recorded Easement for Access Drive to Petitioner’s Property and Three Other Adjacent Homes (see survey)***;
- X Petitioner’s written reasons and arguments about why the Petitioner meets the four variance criteria, listed above; [***See Separate Document Attached***];
- X A draft set of proposed stipulated facts and stipulated exhibits. Please make these verifiable facts free from argument. Arguments or characterizations about the facts should be included in the written responses to the four variance criteria instead of being included in the facts. [***See Separate Document Attached***];
- X This form completed, dated, and signed by the Petitioner or Petitioner’s Attorney.

**Please contact DCM or the local permit officer for a full list of comments received on your permit application. Please note, for CAMA Major Permits, the complete permit file is kept in the DCM Morehead City Office.*

Due to the above information and pursuant to statute, the undersigned respectfully requests that the Coastal Resources Commission grant Betty C. Earnest a variance from the applicable CAMA use standards referenced in her September 24, 2024, denial letter, in accordance with the attached site plan and other materials contained in her Variance Request.

<u>s/ I. Clark Wright, Jr.</u> <hr/> Signature of Petitioner's Attorney <u>I. Clark Wright, Jr.</u> <hr/> Printed Name of Petitioner's Attorney Davis Hartman Wright LLP 209 Pollock St. <u>New Bern, NC 28560</u> <hr/> Mailing Address of Petitioner's Attorney	<u>03/19/2025</u> <hr/> Date <u>clark.wright@dhwlegal.com</u> <hr/> Email address of Petitioner's Attorney <u>(252) 229-5900</u> <hr/> Telephone No. of Petitioner's Attorney <u>(252) 262-7054</u> <hr/> Fax Number of Petitioner's Attorney
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DELIVERY OF THIS VARIANCE HEARING REQUEST

This variance petition must be **received** by the Division of Coastal Management at least six (6) weeks before the first day of the regularly scheduled Commission meeting at which it is heard. A copy of this request must also be sent to the Attorney General's Office, Environmental Division. [See 15A N.C.A.C. 07J .0701(e).]

Contact Information for DCM:

By mail, express mail or hand delivery:

Director
 Division of Coastal Management
 400 Commerce Avenue
 Morehead City, NC 28557

By Fax:

Environmental Division
 (252) 247-3330

By Email:

Check DCM website for the email
 address of the current DCM Director

Contact Information for Attorney General's Office:

By mail:

DCM Attorney
 Environmental Division
 9001 Mail Service Center
 Raleigh, NC 27699-9001

By express mail:

114 W. Edenton Street
 Raleigh, NC 27603

By Fax:

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JEFF JACKSON
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REPLY TO:
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MLUCASSE@NCDOJ.GOV

March 1, 2025

Via E-mail: icw@dhwlegal.com
seh@dhwlegal.com

I. Clark Wright, Jr., Esq.
Samantha E. Hamilton, Esq.
209 Pollack St.
New Bern, NC 28560

Re: Betty Earnest Variance Request CRC-V-25-01

Dear Clark and Samantha:

At the North Carolina Coastal Resources Commission's meeting in New Bern on February 26, 2025, the Commission heard the above referenced variance request. During its discussion, the Commission determined that it would benefit from receiving additional stipulated facts from Petitioner and DCM. Accordingly, the Commission has rescheduled the hearing on CRC-V-25-01 to its April 30-May 1, 2025 meeting. This meeting is scheduled to take place at the Dare County Government Center located at 954 Marshall C. Collins Drive in Manteo, North Carolina. To prepare for that rescheduled hearing, the Commission has requested that counsel for Petitioner and DCM staff submit additional stipulated facts for its consideration.

Counsel is welcome to prepare and submit any stipulated facts that they believe will be helpful in light of the questions asked by the Commission. During the discussion, several of the Commissioner indicated that it might be useful if the parties prepared stipulated facts that would address the proposed requirements in 15A NCAC 07H .0309 "Use Standards for Ocean Hazard Areas: Exceptions." This is a rule that the Commission considered on February 27, 2025 after the hearing on the Earnest variance request. I have attached the CRC-25-08 memo presented to the Commission regarding that rule. For your information, during discussion of the rule, the Commission revised the draft rule language. In pertinent part, the proposed language for 15A NCAC 07H .0309(b)(4)(B) now reads:

(B) ~~The footprint of the structure shall be no more than 1,000 square feet, and the total floor area of the structure shall be no more than 2,000~~ 2,500 square feet. For the purpose of this Section, roof-covered decks and porches that are structurally attached shall be included in the calculation of footprint;

If Petitioner is interested in requesting a variance to allow a proposed development that meets the requirements of the proposed rule language, it would be very helpful if Petitioner

I. Clark Wright, Jr., Esq.
Samantha E. Hamilton, Esq
March 1, 2025
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would provide an updated site plan that shows the proposed revised structure. Given the Commission's discussion on the rule, my impression was that the Commission would look favorably on any proposed development that meets the revised rule requirement and includes a total floor area of no more than 2,500 square feet. Of course, neither DCM nor I can predict the outcome of the Commission's review. The proposed design of a revised development is solely the Petitioner's decision. Petitioner may also decide that the only option she is interested in is what has already been requested.

After Petitioner has decided how she wants to proceed, please submit a revised Site plan. The Commission has requested a revised Site plan that includes the following information: the proposed development, the placement on the lot of the requested development including measurements from the front and side setbacks to the proposed development, identification of the first line of stable natural vegetation and any other relevant CAMA setback line, an accurate measurement showing the setback distance from the FLSNV (whether that is 60 feet, 75 feet, or some other measurement), and the distance from the proposed development to the CAMA setback line. Also, please indicate on the revised Site Plan the relationship of the proposed development to the adjacent riparian properties particularly in reference to the oceanward edge of the adjacent riparian properties. Please provide notice to the Adjacent Riparian Property Owners of any revised proposed development.

At the April 30-May 1, 2025 meeting, the CRC will start the hearing again. I expect that DCM staff will orient the Commission to the Site. Then, counsel for DCM Christine Goebel will review the stipulated facts including any additional stipulated facts. Afterwards, counsel for DCM and counsel for Petitioner will each be allowed eight (8) minutes to present argument to the Commission.

If you have any questions, please do not hesitate to let me know.

Sincerely,



Mary Lucasse

I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY AS SHOWN HEREIN IN ACCORDANCE WITH THE STANDARDS AND PRACTICES FOR LAND SURVEYING IN NORTH CAROLINA. THE RATIO OF PRECISION FOR THIS SURVEY IS 1:10,000. LATITUDES AND DEPARTURES ARE AS SHOWN.

CHARLES FRANCIS RIGGS
2981549
LAND SURVEYOR
AND SURVEYOR
FOR THE STATE OF NORTH CAROLINA

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "AE" & "VE" WHICH IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL FLOOD INSURANCE PROGRAM. COMMUNITY PANEL NUMBER 370466-3720428700K, JUNE 19, 2020.

THIS PROPERTY IS LOCATED WITHIN THE COASTAL BARRIER RESOURCE SYSTEM L06, EFFECTIVE 10/01/1983. THIS AREA IS NOT COVERED BY FEDERAL FLOOD INSURANCE FOR BUILDINGS CONSTRUCTED, PERMITTED, SUBSTANTIALLY IMPROVED OR DAMAGED AFTER 10/01/1983.

EXISTING DWELLING WITHOUT EAVES = 1229 Sq.Ft.
EXISTING GAZEBO = 107 Sq.Ft.
EXISTING PERVIOUS GRAVEL DRIVE = 0 Sq.Ft.
EXISTING TOTAL IMPERVIOUS SURFACE = 1336 Sq.Ft.
TOTAL LOT AREA = 14525 Sq.Ft.
EXISTING IMPERVIOUS AREA = 9.1%

NOTE:
EXISTING DWELLING ON PILINGS IN DISREPAIR DUE TO FIRE, PARTIALLY ENCLOSED BELOW

NOTE:
RESTRICTIVE COVENANTS D.B. 1130, P. 255 LIMITS IMPERVIOUS SURFACE TO 3644 Sq.Ft.

NOTE:
ENTIRE PROPERTY RESTS WITHIN 270' OCEAN HAZARD SETBACK

NOTE:
ENTIRE PROPERTY IS LOCATED WITHIN 575' OF THE NORMAL MEAN HIGH WATER LINE CONTIGUOUS WITH STUMP SOUND WHICH IS CLASSIFIED BY THE STATE OF NC AS OUTSTANDING RESOURCE WATERS (ORW)

CAMA 60', 75' & 90' SETBACKS AS BEING MEASURED LANDWARD OF THE FIRST LINE OF STABLE NATURAL VEGETATION

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	3.65'	N86°47'21"E

PROPOSED DWELLING WITHOUT EAVES = 1301 Sq.Ft.
EXISTING GAZEBO = 107 Sq.Ft.
PROPOSED PERVIOUS GRAVEL DRIVE = 0 Sq.Ft.
PROPOSED TOTAL IMPERVIOUS SURFACE = 1408 Sq.Ft.
TOTAL LOT AREA = 14525 Sq.Ft.
PROPOSED IMPERVIOUS AREA = 9.6%

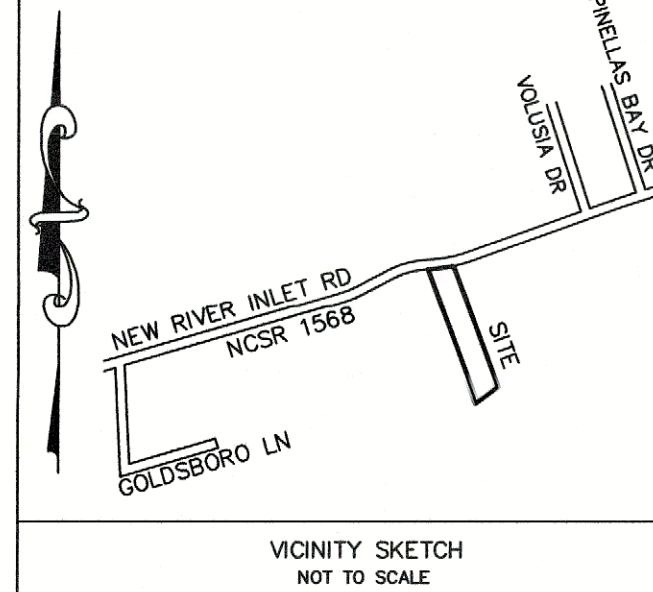
NOTE:
PROPOSED DWELLING IS TWO STORY ON PILINGS, PARTIALLY ENCLOSED BELOW FOR ENTRY & STORAGE.

PEAK OF PROPOSED DWELLING IS ALLOWED, AT MAXIMUM, 48'.

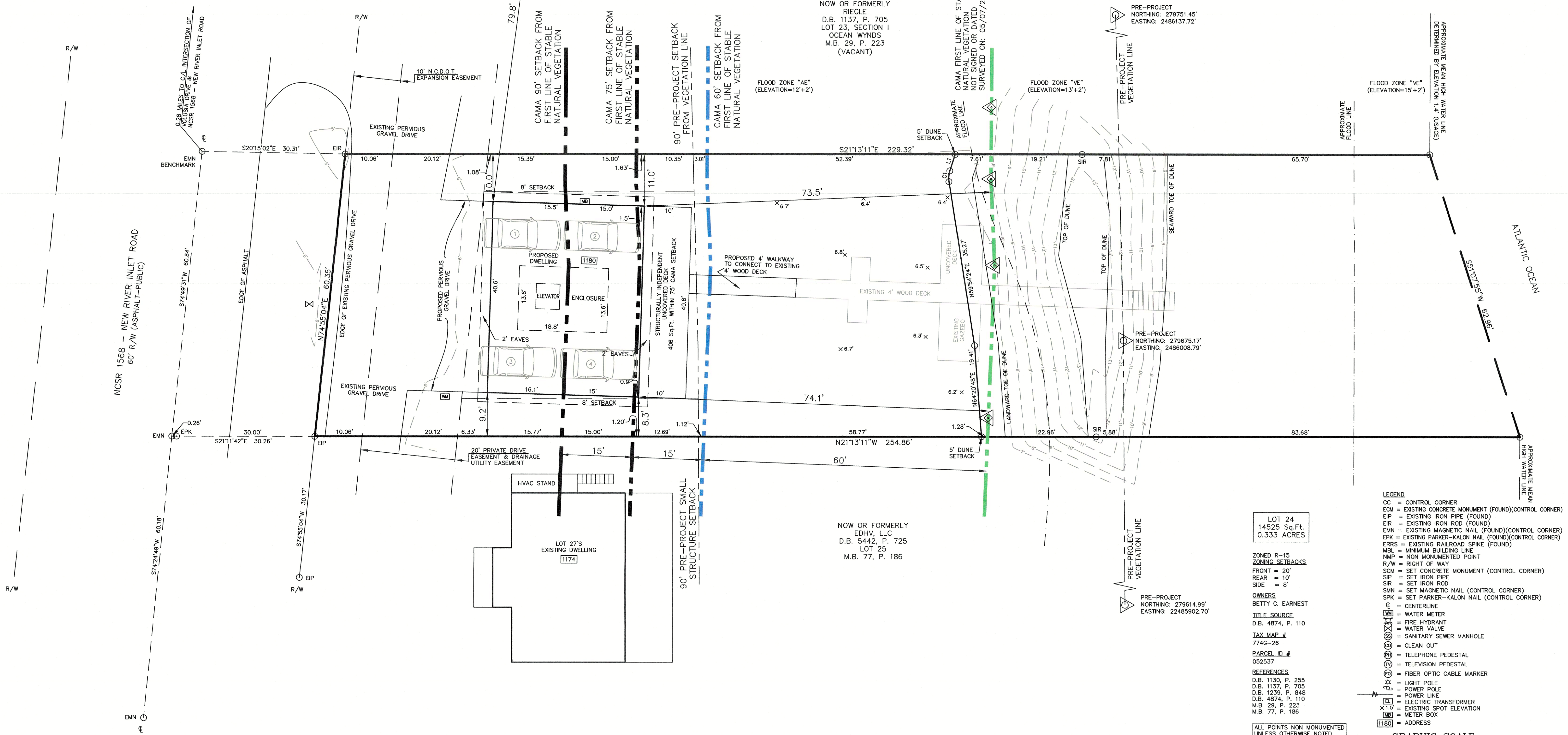
CURVE TABLE				
CURVE #	LENGTH	RADIUS	CHORD	BEARING
C1	2.35'	5.00'	2.32'	N73°20'52"E

NOTE:
FIRST FLOOR (HEATED): 1230 Sq.Ft.
SECOND FLOOR (HEATED): 1230 Sq.Ft.
TOTAL FLOOR AREA (HEATED): 2460 Sq.Ft.
AS PER HOUSE PLANS

NOTE:
BENCHMARK: EMN
ELEVATION: 5.77'
VERTICAL DATUM: NAVD 88
VERTICAL DATUM OBTAINED WITH TOPCON GRS USING N.C. GEODETIC CONTINUOUS OPERATING REFERENCE STATIONS



THIS PRELIMINARY PLOT PLAN IS SUBJECT TO BOTH REVIEW & APPROVAL BY THE LOCAL JURISDICTION.



CHARLES F. RIGGS & ASSOCIATES, INC. (C-730)

LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS,
LAND PLANNING & COMPUTER MAPPING

502 NEW BRIDGE STREET
P.O. BOX 1570
JACKSONVILLE, NC 28540-1570
TELEPHONE: (910) 455-0877
E-MAIL: riggsland@riggslandnc.com

BOUNDARY, PHYSICAL & TOPOGRAPHIC SURVEY & PRELIMINARY PLOT PLAN
FOR

BETTY C. EARNEST

LOT 24, SECTION I, OCEAN WYNDS, M.B. 29, P. 223
STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA
BETTY C. EARNEST, OWNER; D.B. 4874, P. 110
1180 NEW RIVER INLET ROAD

LOT 24
14525 Sq.Ft.
0.333 ACRES

ZONED R-15
ZONING SETBACKS
FRONT = 20'
REAR = 10'
SIDE = 8'

OWNERS
BETTY C. EARNEST
TITLE SOURCE
D.B. 4874, P. 110

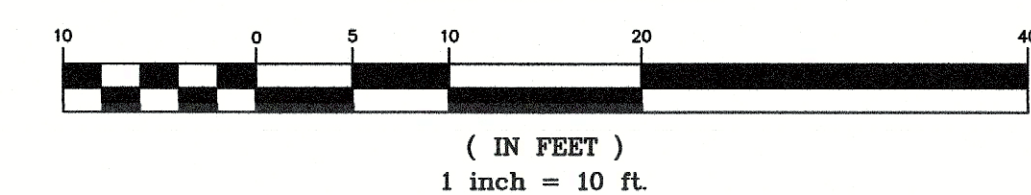
TAX MAP #
774G-26
PARCEL ID #
052537

REFERENCES
D.B. 1130, P. 255
D.B. 1137, P. 705
D.B. 1239, P. 848
D.B. 4874, P. 110
M.B. 29, P. 223
M.B. 77, P. 186

ALL POINTS NON MONUMENTED
UNLESS OTHERWISE NOTED

LEGEND
CC = CONTROL CORNER
EQM = EXISTING CONCRETE MONUMENT (FOUND)(CONTROL CORNER)
EIP = EXISTING IRON PIPE (FOUND)
EIR = EXISTING IRON ROD (FOUND)
EMN = EXISTING MAGNETIC NAIL (FOUND)(CONTROL CORNER)
EPK = EXISTING PARKER-KALON NAIL (FOUND)(CONTROL CORNER)
ERRS = EXISTING RAILROAD SPIKE (FOUND)
MBL = MINIMUM BUILDING LINE
NMP = NON MONUMENTED POINT
R/W = RIGHT OF WAY
SCM = SET CONCRETE MONUMENT (CONTROL CORNER)
SIP = SET IRON PIPE
SIR = SET IRON ROD
SMN = SET MAGNETIC NAIL (CONTROL CORNER)
SPK = SET PARKER-KALON NAIL (CONTROL CORNER)
C = CENTERLINE
WM = WATER METER
FH = FIRE HYDRANT
WV = WATER VALVE
SSM = SANITARY SEWER MANHOLE
CO = CLEAN OUT
TP = TELEPHONE PEDESTAL
TEP = TELEVISION PEDESTAL
FOCM = FIBER OPTIC CABLE MARKER
LP = LIGHT POLE
PP = POWER POLE
PL = POWER LINE
ET = ELECTRIC TRANSFORMER
X1.5 = EXISTING SPOT ELEVATION
MB = METER BOX
1180 = ADDRESS

GRAPHIC SCALE



ACTUAL FIELD SURVEY DATE: MAY 07, 2024
MAPPING DATE: MARCH 21, 2025
FIELD BOOK: 1385 PAGE: 15

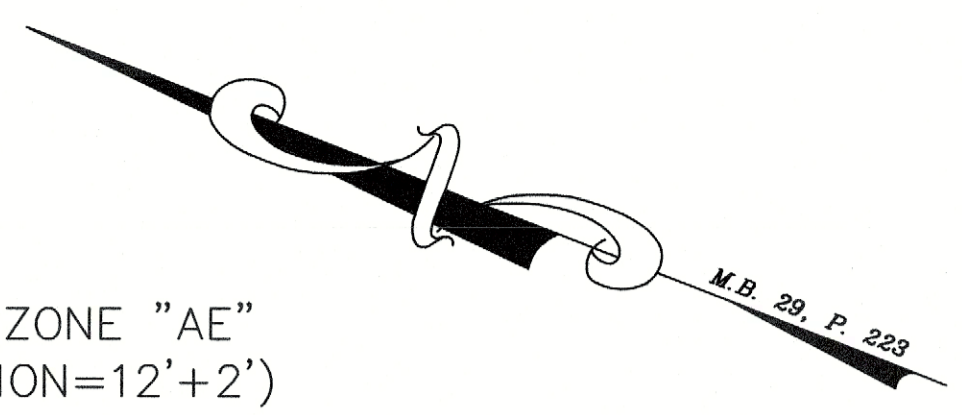
PROJECT NUMBER: 24-05-03 JTG

SHEET 1 OF 2

CAMA 60', 75' & 90' SETBACKS AS BEING MEASURED LANDWARD OF THE FIRST LINE OF STABLE NATURAL VEGETATION

APPROXIMATE EXISTING DWELLING LOCATION
1190
LOCATION SCALED FROM ONSLOW COUNTY GIS

FLOOD ZONE "AE"
(ELEVATION=12'+2')



PROPOSED DWELLING WITHOUT EAVES	=	1301 Sq.Ft.
EXISTING GAZEBO	=	107 Sq.Ft.
PROPOSED PVIOUS GRAVEL DRIVE	=	0 Sq.Ft.
PROPOSED TOTAL IMPERVIOUS SURFACE	=	1408 Sq.Ft.
TOTAL LOT AREA	=	14525 Sq.Ft.
PROPOSED IMPERVIOUS AREA	=	9.6%

NOW OR FORMERLY
RIEGLE
D.B. 1137, P. 705
LOT 23, SECTION 1
OCEAN WYNDS
M.B. 29, P. 223
(VACANT)

LOT 24
14525 Sq.Ft.
0.333 ACRES

CHECKLIST:

1. PROPOSED DWELLING'S NORTH EAST CORNER IS 2.1' FROM THE FRONT SETBACK
PROPOSED DWELLING'S NORTH EAST CORNER IS 2.0' FROM THE LEFT SIDE SETBACK

PROPOSED DWELLING'S NORTH WEST CORNER IS 5.3' FROM THE FRONT SETBACK
PROPOSED DWELLING'S NORTH WEST CORNER IS 1.3' FROM THE RIGHT SIDE SETBACK

PROPOSED DWELLING'S SOUTH EAST CORNER IS 3.0' FROM THE LEFT SIDE SETBACK
PROPOSED DWELLING'S SOUTH WEST CORNER IS 0.3' FROM THE RIGHT SIDE SETBACK
2. CAMA FIRST LINE OF STABLE NATURAL VEGETATION,
PRE-PROJECT VEGETATION LINE & NORTH TOPSAIL BEACH 5' DUNE SETBACK AS SHOWN
3. PROPOSED DWELLING'S SOUTH EAST CORNER IS 73.5' FROM THE CAMA FIRST LINE OF STABLE NATURAL VEGETATION
PROPOSED DWELLING'S SOUTH WEST CORNER IS 74.1' FROM THE CAMA FIRST LINE OF STABLE NATURAL VEGETATION
4. PROPOSED DWELLING'S SOUTH EAST CORNER IS 13.5' LANDWARD OF THE 60' SETBACK FROM FIRST LINE OF STABLE NATURAL VEGETATION
PROPOSED DWELLING'S SOUTH WEST CORNER IS 14.1' LANDWARD OF THE 60' SETBACK FROM FIRST LINE OF STABLE NATURAL VEGETATION
5. PROPOSED DWELLING'S DECK IS STRUCTURALLY INDEPENDENT AND UNCOVERED
6. ENTIRE PROPERTY IS LOCATED WITHIN 575' OF THE NORMAL/MEAN HIGH WATER LINE CONTIGUOUS WITH STUMP SOUND WHICH IS CLASSIFIED BY THE STATE OF NC AS OUTSTANDING RESOURCE WATERS (ORW).

TOTAL IMPERVIOUS WITHIN 575' ORW = 1408 Sq.Ft.
TOTAL LOT AREA WITHIN 575' ORW = 14525 Sq.Ft.
TOTAL IMPERVIOUS AREA WITHIN 575' ORW = 9.6%

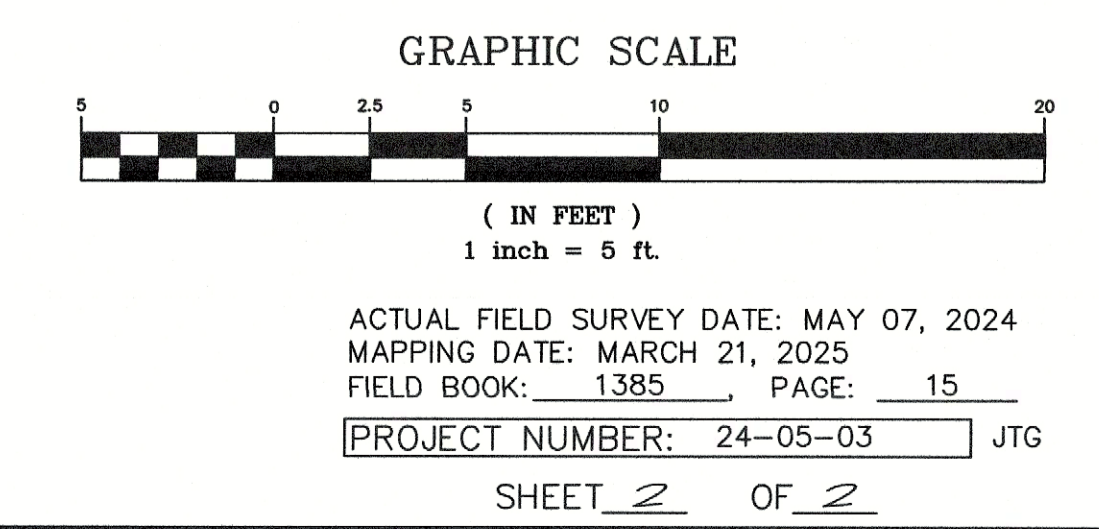
NOTE:

PROPOSED DWELLING IS TWO STORY ON PILINGS, PARTIALLY ENCLOSED BELOW FOR ENTRY & STORAGE.

PEAK OF PROPOSED DWELLING IS ALLOWED, AT MAXIMUM, 48'.

NOTE

FIRST FLOOR (HEATED): 1230 Sq.Ft.
SECOND FLOOR (HEATED): 1230 Sq.Ft.
TOTAL FLOOR AREA (HEATED): 2460 Sq.Ft.
AS PER HOUSE PLANS



NOW OR FORMERLY
EDHV, LLC
D.B. 5442, P. 725
LOT 25
M.B. 77, P. 186

LOT 27'S
EXISTING DWELLING
1174

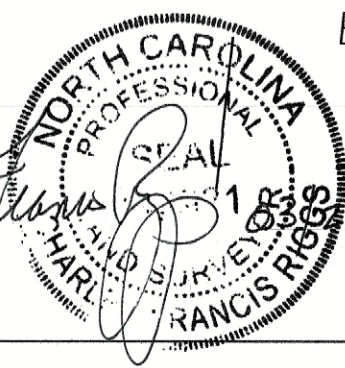
PROPOSED DWELLING
TOTAL Sq.Ft. = 2460

1180
ELEV.
ENCLOSURE

STRUCTURALLY INDEPENDENT
UNCOVERED DECK
406 Sq.Ft. WITHIN 75' CAMA SETBACK

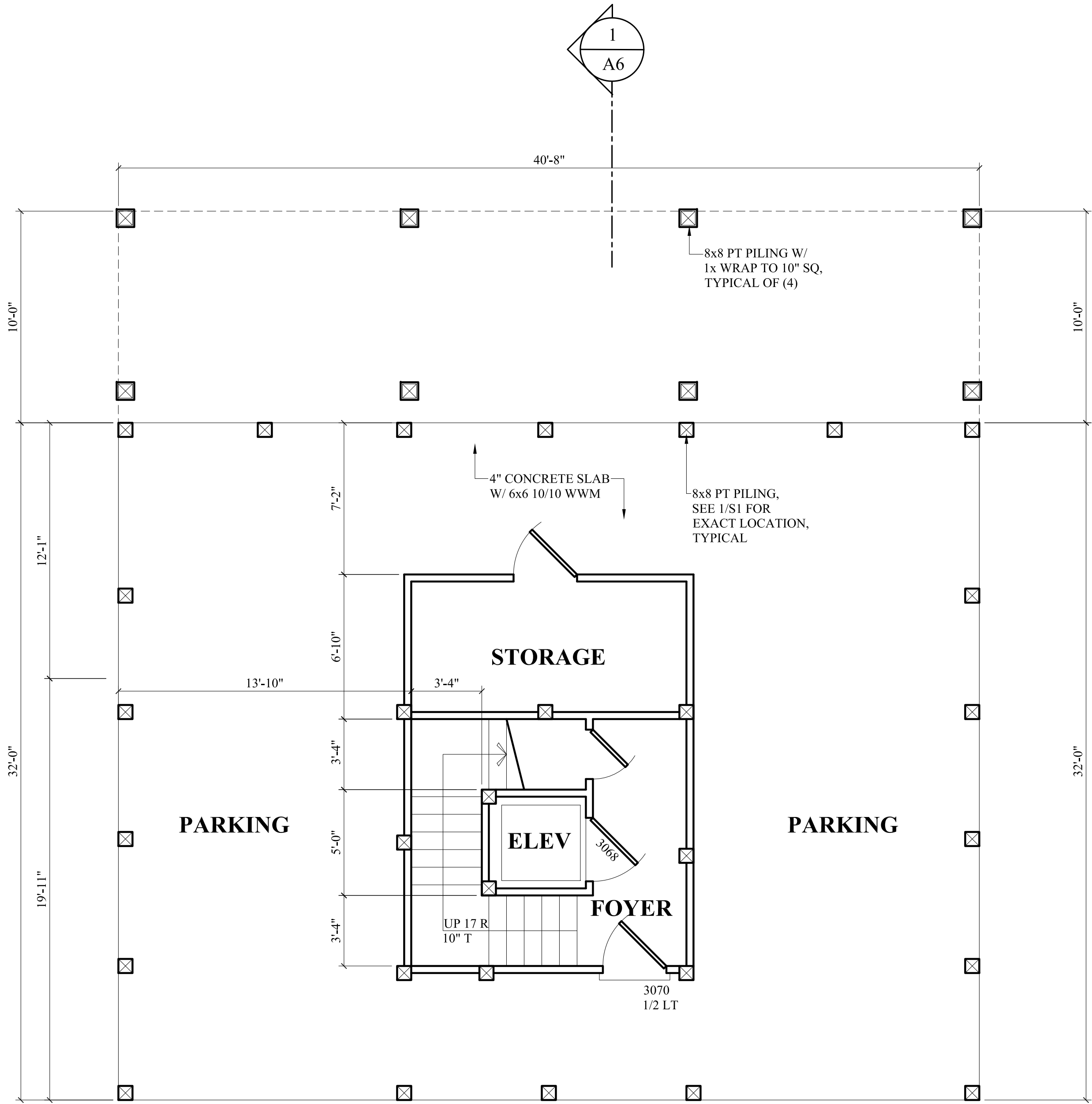
EXISTING PVIOUS GRAVEL DRIVE
EDGE OF EXISTING PVIOUS GRAVEL DRIVE
N74°55'04"E 60.35'
EIP

20' PRIVATE DRIVE
EASEMENT & DRAINAGE
UTILITY EASEMENT



CHARLES F. RIGGS & ASSOCIATES, INC. (C-730)
LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS,
LAND PLANNING & COMPUTER MAPPING
502 NEW BRIDGE STREET
P.O. BOX 1570
JACKSONVILLE, NC 28540-1570
TELEPHONE: (910) 455-0877
E-MAIL: riggsland@riggslandnc.com

FLOOR AREA	
FIRST FLOOR HEATED	1230 SF
SECOND FLOOR HEATED	1230 SF
ATTIC	0 SF
TOTAL AREA	2460 SF



1
A1 **GROUND FLOOR PLAN**

- 1/4"=1'-0"
- NOTES:
- 1) 9'-0" CEILING HT
 - 2) SEE ELEVATIONS FOR WINDOW HEIGHTS
 - 3) DIMENSIONS ARE TO FRAMING
 - 4) DOOR & WINDOW SIZE CLARIFICATION EXAMPLE:
2468 = 2'-4" x 6'-8" (NOMINAL SIZE)
 - 5) CONTRACTOR TO VERIFY ELEVATOR R.O's
PRIOR TO CONSTRUCTION

(SV) "SMART VENT" @ 8" AFF
IF HOUSE IS IN FLOOD ZONE

NOTE: IT IS RECOMMENDED THESE STRUCTURAL PLANS BE
REVIEWED BY A STATE LICENSED STRUCTURAL ENGINEER PRIOR TO
CONSTRUCTION & PERMITTING

Revisions	
date	description

SULLIVAN

DESIGN COMPANY

9 1 0 • 3 1 9 • 0 2 1 0

www.sullivancompany.com

drawn by : JLM

date : 3/12/25

checked by :

file name :
EARNESTreetop

sheet number :

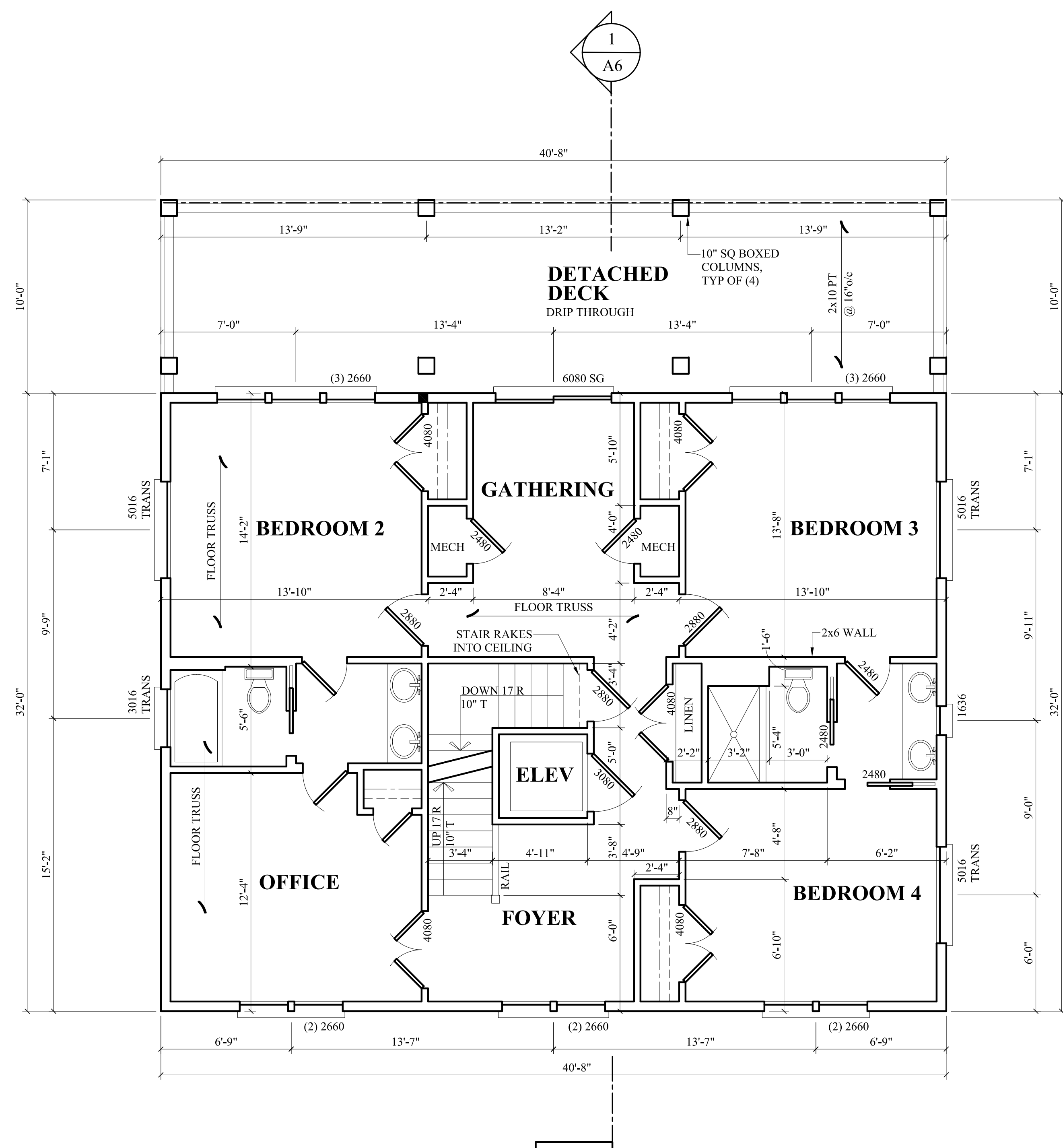
A1

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Tree Top Landing

Earnest Residence

Preliminary Plans
not for construction



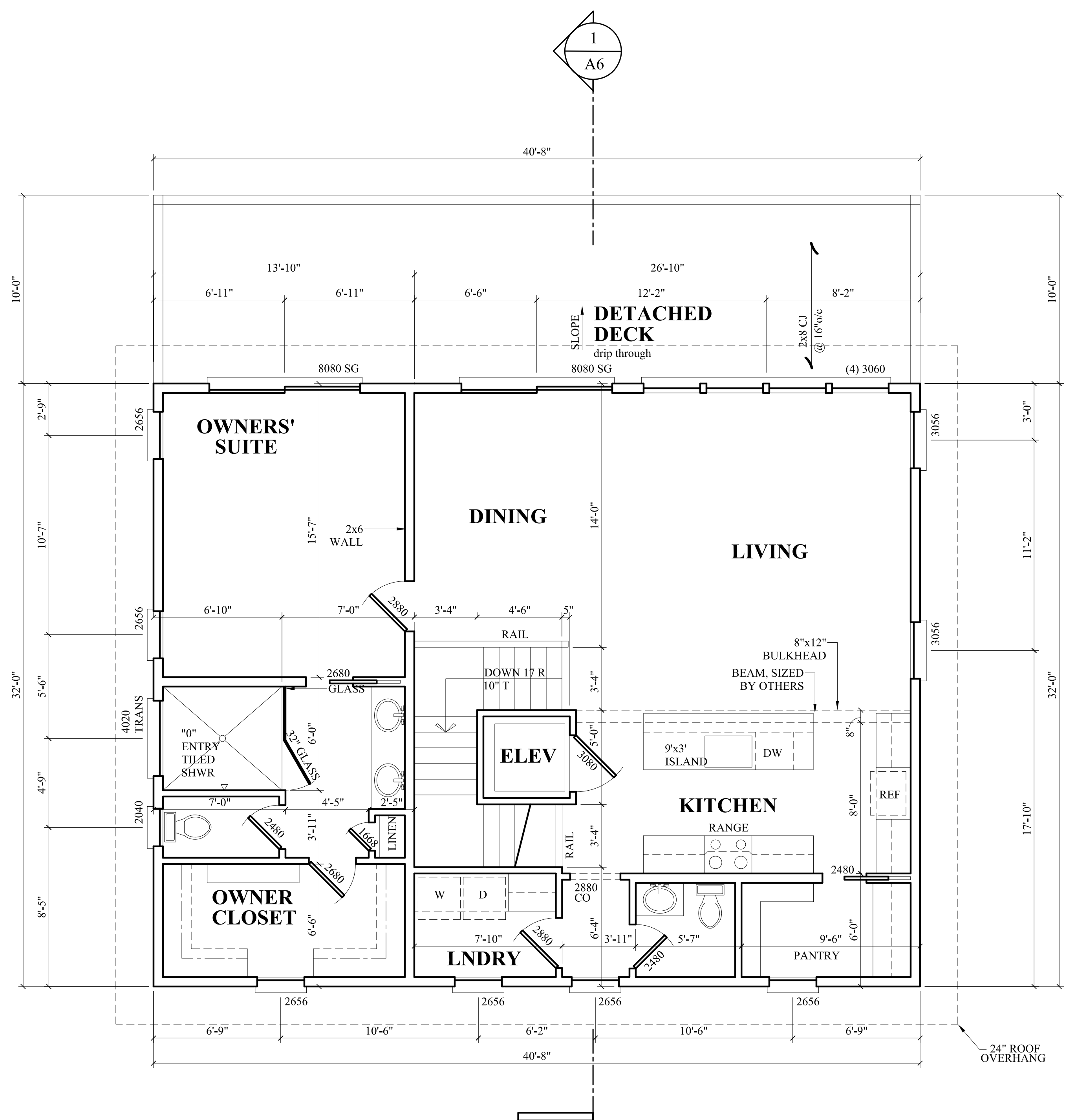
1
A2

FIRST FLOOR PLAN

1/4"=1'-0"

NOTES:

- 1) 9' 1-1/2" PLATE HT
- 2) SEE ELEVATIONS FOR WINDOW HEIGHTS
- 3) DIMENSIONS ARE TO FRAMING
- 4) PROVIDE (2) STUDS BETWEEN INDIVIDUAL WINDOW UNITS WHERE MULTIPLE UNITS ARE INDICATED
- 5) DOOR & WINDOW SIZE CLARIFICATION EXAMPLE:
2468 = 2'-4" x 6'-8" (NOMINAL SIZE)
- 6) EXTERIOR & POCKET DOOR WALLS ARE 2x6
- 7) CONTRACTOR TO VERIFY ELEVATOR R.O.'S PRIOR TO CONSTRUCTION



2
A2

SECOND FLOOR PLAN

1/4"=1'-0"

NOTES:

- 1) 10' 1-1/2" PLATE HT
- 2) SEE ELEVATIONS FOR WINDOW HEIGHTS
- 3) DIMENSIONS ARE TO FRAMING
- 4) PROVIDE (2) STUDS BETWEEN INDIVIDUAL WINDOW UNITS WHERE MULTIPLE UNITS ARE INDICATED
- 5) DOOR & WINDOW SIZE CLARIFICATION EXAMPLE:
2468 = 2'-4" x 6'-8" (NOMINAL SIZE)
- 6) EXTERIOR & POCKET DOOR WALLS ARE 2x6
- 7) CONTRACTOR TO VERIFY ELEVATOR R.O.'S PRIOR TO CONSTRUCTION

NOTE: IT IS RECOMMENDED THESE STRUCTURAL PLANS BE
REVIEWED BY A STATE LICENSED STRUCTURAL ENGINEER PRIOR TO
CONSTRUCTION & PERMITTING

SULLIVAN DESIGN COMPANY 910 • 319 • 0210 www.sullivancompany.com			
drawn by : JLM			
date : 3/12/25			
checked by :			
file name : EARNESTTreetop			
sheet number :			
A2			
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U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

020

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$ 4.85

Extra Services & Fees (check box, add fees as appropriate)

☒ Return Receipt (hardcopy)

\$

☐ Return Receipt (electronic)

\$

☐ Certified Mail Restricted Delivery

\$

☐ Adult Signature Required

\$

☐ Adult Signature Restricted Delivery

\$

Postage

\$.69

Total Postage and Fees

\$ 9.44

Sent To

Don Riegler + Jill Griffith

Street and Apt. No., or PO Box No.

4405 N. Myrtle Beach Ocean Blvd.

City, State, ZIP+4®

Myrtle Beach, SC 29577



Postmark
Here

7022 3330 0000 6875 6369

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

021

for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

022

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$ 4.85

Extra Services & Fees (check box and fee as appropriate)

☒ Return Receipt (hardcopy)

\$ 4.15

☐ Return Receipt (electronic)

\$

☐ Certified Mail Restricted Delivery

\$

☐ Adult Signature Required

\$

☐ Adult Signature Restricted Delivery

\$

Postage

\$ 0.69

Total Postage and Fees

\$ 9.64

Sent To

EDHY, LLC

Street and Apt. No., or PO Box No.

71 McEachern Blvd. SE

City, State, ZIP+4®

Concord, NC 28025



7022 3330 0000 6875 6390

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
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Important Reminders:

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- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

023

for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

024

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$ 4.85

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy)

\$ 4.10

☐ Return Receipt (electronic)

\$

☐ Certified Mail Restricted Delivery

\$

☐ Adult Signature Required

\$

☐ Adult Signature Restricted Delivery

\$

Postage

\$ 0.69

Total Postage and Fees

\$ 9.64

Sent To

EDHV, LLC ATTN: Russell Wenrich

Street and Apt. No., or PO Box No.

4285 Granada Dr.

City, State, ZIP+4®

Concord, NC 28027

Postmark
Here



7022 3330 0000 6875 6406

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

025

for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dan Riegler and Jill Griffith
4405 N. Ocean Blvd.
Myrtle Beach, SC 29577



9590 9402 7970 2305 1517 98

2. Article Number (Transfer from service label)

7022 3330 0000 6875 6383

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

☐ Agent

☐ Addressee

C. Date of Delivery

3/17/25

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail

Mail Restricted Delivery
(00)

USPS TRACKING #



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 7970 2305 1517 98

**United States
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

Davis Hartman Wright LLP
Attn: Samantha Hamilton
209 Pollock Street
New Bern, NC 28560



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

EDHV, LLC
71 McCachern Blvd SE
Concord, NC 28025



9590 9402 7970 2305 1518 04

2. Article Number (Transfer from service label)

7022 3330 0000 6875 6390

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

J. Romine

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery

☒ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

Mail

Mail Restricted Delivery

500)

USPS TRACKING#



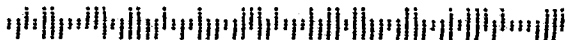
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 7970 2305 1518 04

**United States
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

Davis Hartman Wright LLP
Attn: Samantha Hamilton
209 Pollock Street
New Bern, NC 28560



Tracking Number:

Remove X

70223330000068756406

Copy

Schedule a Redelivery (<https://tools.usps.com/redelivery.htm>)

Latest Update

We attempted to deliver your item at 5:28 pm on March 17, 2025 in CONCORD, NC 28027 and a notice was left because an authorized recipient was not available. You may arrange redelivery by using the Schedule a Redelivery feature on this page or may pick up the item at the Post Office indicated on the notice beginning March 18, 2025. If this item is unclaimed by April 1, 2025 then it will be returned to sender.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivery Attempt: Action Needed

Notice Left (No Authorized Recipient Available)

CONCORD, NC 28027
March 17, 2025, 5:28 pm

In Transit to Next Facility

March 16, 2025

Arrived at USPS Regional Facility

MID CAROLINA-CHARLOTTE NC DISTRIBUTION CENTER
March 15, 2025, 3:05 pm

Arrived at USPS Regional Facility

RALEIGH NC DISTRIBUTION CENTER
March 14, 2025, 11:42 pm

Hide Tracking History

Feedback

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates



Schedule Redelivery



U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

031

For delivery information, visit our website at www.usps.com[®].

OFFICIAL USE

Certified Mail Fee

\$ 4.85

Extra Services & Fees (check box, add fees as appropriate)

☒ Return Receipt (hardcopy)

\$

☐ Return Receipt (electronic)

\$

☐ Certified Mail Restricted Delivery

\$

☐ Adult Signature Required

\$

☐ Adult Signature Restricted Delivery

\$

Postage

\$.69

Total Postage and Fees

\$ 9.44

Sent To

Don Riegler + Jill Griffith

Street and Apt. No., or PO Box No.

4405 N. Myrtle Beach Ocean Blvd.

City, State, ZIP+4[®]

Myrtle Beach, SC 29577



7022 3330 0000 6875 6369

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

032

for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
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IMPORTANT: Save this receipt for your records.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

033

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$ 4.85

Extra Services & Fees (check box and fee as appropriate)

☒ Return Receipt (hardcopy)

\$ 4.15

☐ Return Receipt (electronic)

\$

☐ Certified Mail Restricted Delivery

\$

☐ Adult Signature Required

\$

☐ Adult Signature Restricted Delivery

\$

Postmark
Here



Postage

\$ 0.69

Total Postage and Fees

\$ 9.64

Sent To

EDHY, LLC

Street and Apt. No., or PO Box No.

71 McEachern Blvd. SE

City, State, ZIP+4®

Concord, NC 28025

7022 3330 0000 6875 6390

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\$ 4.10

☐ Return Receipt (electronic)

\$

☐ Certified Mail Restricted Delivery

\$

☐ Adult Signature Required

\$

☐ Adult Signature Restricted Delivery

\$

Postage

\$ 0.69

Total Postage and Fees

\$ 9.64

Sent To

EDHV, LLC ATTN: Russell Wenrich

Street and Apt. No., or PO Box No.

4285 Granada Dr.

City, State, ZIP+4®

Concord, NC 28027

Postmark
Here



7022 3330 0000 6875 6406

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dan Riegler and Jill Griffith
4405 N. Ocean Blvd.
Myrtle Beach, SC 29577



9590 9402 7970 2305 1517 98

2. Article Number (Transfer from service label)

7022 3330 0000 6875 6383

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

☐ Agent☐ Addressee

C. Date of Delivery

3/17/25

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Mail

Mail Restricted Delivery

(00)

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

USPS TRACKING #



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 7970 2305 1517 98

**United States
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

Davis Hartman Wright LLP
Attn: Samantha Hamilton
209 Pollock Street
New Bern, NC 28560



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

EDHV, LLC
71 McCachern Blvd SE
Concord, NC 28025



9590 9402 7970 2305 1518 04

2. Article Number (Transfer from service label)

7022 3330 0000 6875 6390

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

J. Romine

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®

- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail

Mail Restricted Delivery

500)

USPS TRACKING #



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 7970 2305 1518 04

**United States
Postal Service**

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Davis Hartman Wright LLP
Attn: Samantha Hamilton
209 Pollock Street
New Bern, NC 28560



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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

EDHV, LLC
ATTN: Russell Wenrich
4285 Granada Dr.
Concord, NC 28027



9590 9402 7970 2305 1518 11

2. Article Number (Transfer from service label)

7022 3330 0000 6875 6406

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Wenrich

☐ Agent
☒ Addressee

B. Received by (Printed Name)

B. Wenrich

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

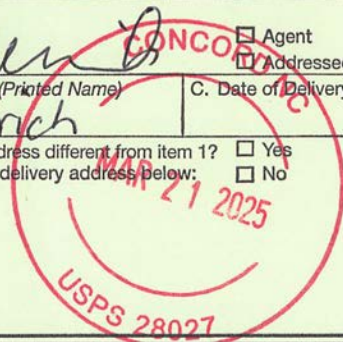
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail

Mail Restricted Delivery

(00)



USPS TRACKING #

CHARLOTTE NC LDC 281

21 MAR 2025 PM 03

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 7970 2305 1518 11

**United States
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

Davis Hartman Wright LLP
Attn: Samantha Hamilton
209 Pollock Street
New Bern, NC 28560



March 12, 2025

[VIA CERTIFIED U.S. MAIL]

Dan Riegle & Jill Griffith
4405 N. Ocean Blvd.
Myrtle Beach, SC 29577

Dear Mr. Riegle and Ms. Griffith:

As you know from our prior letter, Mrs. Betty Earnest is applying for a variance from the Coastal Resources Commission (CRC) to allow her to rebuild her house, which as you also know tragically burned down in March of last year. The CRC heard Mrs. Earnest's variance request at its February meeting but postponed taking any final action due to some upcoming changes in the CAMA rules that apply to certain "small structures." The day after Mrs. Earnest's variance request was heard, the CRC approved several important changes to its small structure setback requirements - the most important being to allow new and rebuilt homes up to 2,500 square feet of living space to meet a 60' setback. The CRC has invited Mrs. Earnest to update her proposed building plans to take advantage of these newly proposed rules, and to have her revised variance request heard at its next meeting, currently scheduled for April 30, 2025, in Dare County.

Under the CRC's variance request rules, we are required to send you a new notice, along with a copy of Mrs. Earnest's revised building plans. As you will see from the attached drawing, Mrs. Earnest continues to locate her proposed home as far from the ocean as possible—surpassing the 60' setback requirement of the revised small structure exception—and has ensured that her proposed new home is set as far back as that of her neighbor at 1174 New River Inlet Road (whom of course was allowed to rebuild their fire-destroyed home several years ago). The enclosed revised plans show the increased setback distance from the ocean, as well as the private access drive easement that Mrs. Earnest's property shares with you and several other adjacent property owners (including 1174 New River Inlet Road), which these plans will not affect.

As was the case before, we very much would appreciate a short statement from you voicing your support or, alternatively, stating that you do not object to Mrs. Earnest's proposed rebuilding of her home. Feel free to send a short email to us, addressed to icw@dhwlegal.com and seh@dhwlegal.com. If you have any questions, you can reach me at (252) 229-5900 or Samantha Hamilton at (252) 558-0758.

On behalf of ourselves, Mrs. Earnest, and her family, I would like to again sincerely thank you for your support for Mrs. Earnest's efforts to rebuild her beach home.

Very truly yours,

/s/ I. Clark Wright, Jr.

March 12, 2025

[VIA CERTIFIED U.S. MAIL]

EDHV, LLC
ATTN: Russell Wenrich, Manager
4285 Granada Dr.
Concord, NC 28027

Dear Mr. Wenrich:

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As was the case before, we very much would appreciate a short statement from you voicing your support or, alternatively, stating that you do not object to Mrs. Earnest's proposed rebuilding of her home. Feel free to send a short email to us, addressed to icw@dhwlegal.com and seh@dhwlegal.com. If you have any questions, you can reach me at (252) 229-5900 or Samantha Hamilton at (252) 558-0758.

On behalf of ourselves, Mrs. Earnest, and her family, I would like to thank you in advance for your consideration in supporting Mrs. Earnest's efforts to rebuild her beach home.

Very truly yours,
/s/ I. Clark Wright, Jr.



Earnest lot

From dan riegler <der843@outlook.com>

Date Tue 3/18/2025 2:02 PM

To Samantha Hamilton <samantha.hamilton@dhwlegal.com>

Re:as regarding lot 1184. We are fine with the plan for Mrs. Earnest new home on the lot next-door to us. Best regards, Dan Riegler and Jill Griffith.
Sent from my iPhone

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047

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$ 4.85

Extra Services & Fees (check box, add fees as appropriate)

☒ Return Receipt (hardcopy)

\$

☐ Return Receipt (electronic)

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☐ Certified Mail Restricted Delivery

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☐ Adult Signature Required

\$

☐ Adult Signature Restricted Delivery

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Postage

\$.69

Total Postage and Fees

\$ 9.44

Sent To

Don Riegler + Jill Griffith

Street and Apt. No., or PO Box No.

4405 N. Myrtle Beach Ocean Blvd.

City, State, ZIP+4®

Myrtle Beach, SC 29577



Postmark
Here

7022 3330 0000 6875 6369

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048

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Total Postage and Fees

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EDHV, LLC ATTN: Russell Wenrich

Street and Apt. No., or PO Box No.

4285 Granada Dr.

City, State, ZIP+4®

Concord, NC 28027

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Here



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052

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Dan Riegle and Jill Griffith
4405 N. Ocean Blvd.
Myrtle Beach, SC 29577



9590 9402 7970 2305 1517 98

2. Article Number (Transfer from service label)

7022 3330 0000 6875 6383

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

3/17/25

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

Mail

Mail Restricted Delivery
(00)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

USPS TRACKING #



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 7970 2305 1517 98

**United States
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

Davis Hartman Wright LLP
Attn: Samantha Hamilton
209 Pollock Street
New Bern, NC 28560



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

EDHV, LLC
71 McCachern Blvd SE
Concord, NC 28025



9590 9402 7970 2305 1518 04

2. Article Number (Transfer from service label)

7022 3330 0000 6875 6390

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

J. Romine

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery

☒ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

Mail

Mail Restricted Delivery

500)

USPS TRACKING#



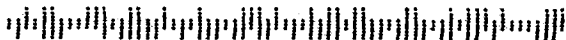
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 7970 2305 1518 04

**United States
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

Davis Hartman Wright LLP
Attn: Samantha Hamilton
209 Pollock Street
New Bern, NC 28560



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

EDHV, LLC
ATTN: Russell Wenrich
4285 Granada Dr.
Concord, NC 28027



9590 9402 7970 2305 1518 11

2. Article Number (Transfer from service label)

7022 3330 0000 6875 6406

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Wenrich

☐ Agent
☒ Addressee

B. Received by (Printed Name)

B. Wenrich

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

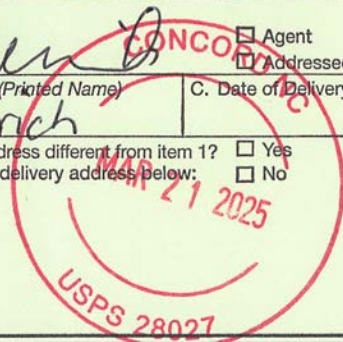
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail

Mail Restricted Delivery

(00)



057

USPS TRACKING #



CHARLOTTE NC LRG 281

21 MAR 2025 PM 03

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 7970 2305 1518 11

**United States
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

Davis Hartman Wright LLP
Attn: Samantha Hamilton
209 Pollock Street
New Bern, NC 28560





Outlook

Letter of support

From Susan B. <susandior@gmail.com>**Date** Wed 3/19/2025 2:37 PM**To** Samantha Hamilton <samantha.hamilton@dhwlegal.com>**Cc** Beth Hanwell <bethhanwell@live.com>

To whom it may concern,

Rex and I have reviewed (btw: Rex is a master craftsman builder) the plans for the new home, and we can tell, that the Earnest family is doing everything that they can (plus more), to obtain the much needed approval they need, in order to build back their beach house, that unfortunately...was destroyed by fire.

As I said before, when tragedy strikes, I always try to put myself in the same position that the victim is in. In this particular case, I would have never dreamed that the owners would have to go through so much, in order to build their home back....as HO's insurance is designed to do. I do realize that ocean front properties, along with revised CAMA (set back) guidelines will also play a huge role in the rebuilding process. With that being said, we hope that the powers that be, will give the Earnest family the approval to rebuild...their beloved beach home.



Sincerely yours,
~Susan, and Rex Ballard
1226 NRIR
NTB, NC 28460

Amended Stipulation re Non-compliance

Betty C. Earnest

March 19, 2025

For purposes of this Amended and Resubmitted Variance Request only as required by 15A NCAC 07J.0701(c)(6), Variance Petitioner Betty C. Earnest, through counsel, stipulates that the development activities referenced in DCM's September 24, 2024 denial letter (See Stipulated Exhibits) do not comply fully with the provisions of 15A NCAC 07H .0306(a)(3)(A) and do not qualify for any of the exceptions set forth in 15A NCAC 07H .0309(b) as currently codified.



NC COASTAL RESOURCES COMMISSION MEETING

April 30, 2025

**Betty C. Earnest
(CRC-VR-25-01)**

Continued from Feb. Meeting

**1180 New River Inlet Road
Oceanfront Setback**



Division of Coastal Management

062



**Subject Property – 1180
New River Inlet Rd,
North Topsail Beach**

Image Source – DCM Map Viewer

Search result
1180 New River Inlet Road, Sneads Ferry, NC,
28460, USA
Zoom to



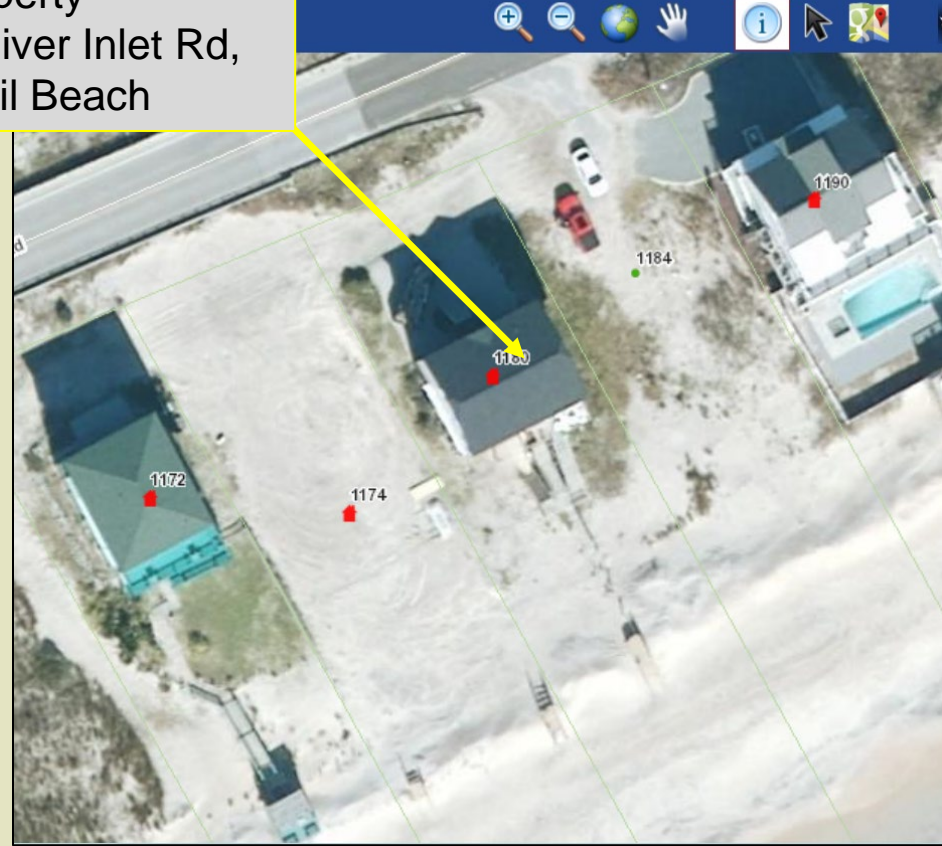
2018

[County Home Page](#) | [Tax Home](#) | [Data Download](#) | [GIS Home](#) | [Address Request Form](#)

Subject Property –
1180 New River Inlet Rd,
North Topsail Beach

2020

[Tax Home](#) | [Data Download](#) | [GIS Home](#) | [Ad](#)



2024

Subject Property –
1180 New River Inlet Rd,
North Topsail Beach

1184

1180

1172

1174

1170

1168

1164

1160

1156

1152

1148

1144

1140

1136

1132

1128

1124

1120

1116

1112

1108

1104

1100

1096

1092

1088

1084

1080

1076

1072

1068

1064

1060

1056

1052

1048

1044

1040

1036

1032

1028

1024

1020

1016

1012

1008

1004

1000

996

992

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16

12

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4

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-4

-8

-12

-16

-20

-24

-28

-32

-36

-40

-44

-48

-52

-56

-60

-64

-68

-72

-76

-80

-84

-88

-92

-96

-100

-104

-108

-112

-116

-120

-124

-128

-132

-136

-140

-144

-148

1180 New River Inlet Road



View of lot from New River Inlet Road (facing toward ocean)

066

← Ocean



View of the side of the house (facing down the beach)

067



View from the dune (facing inland)

068



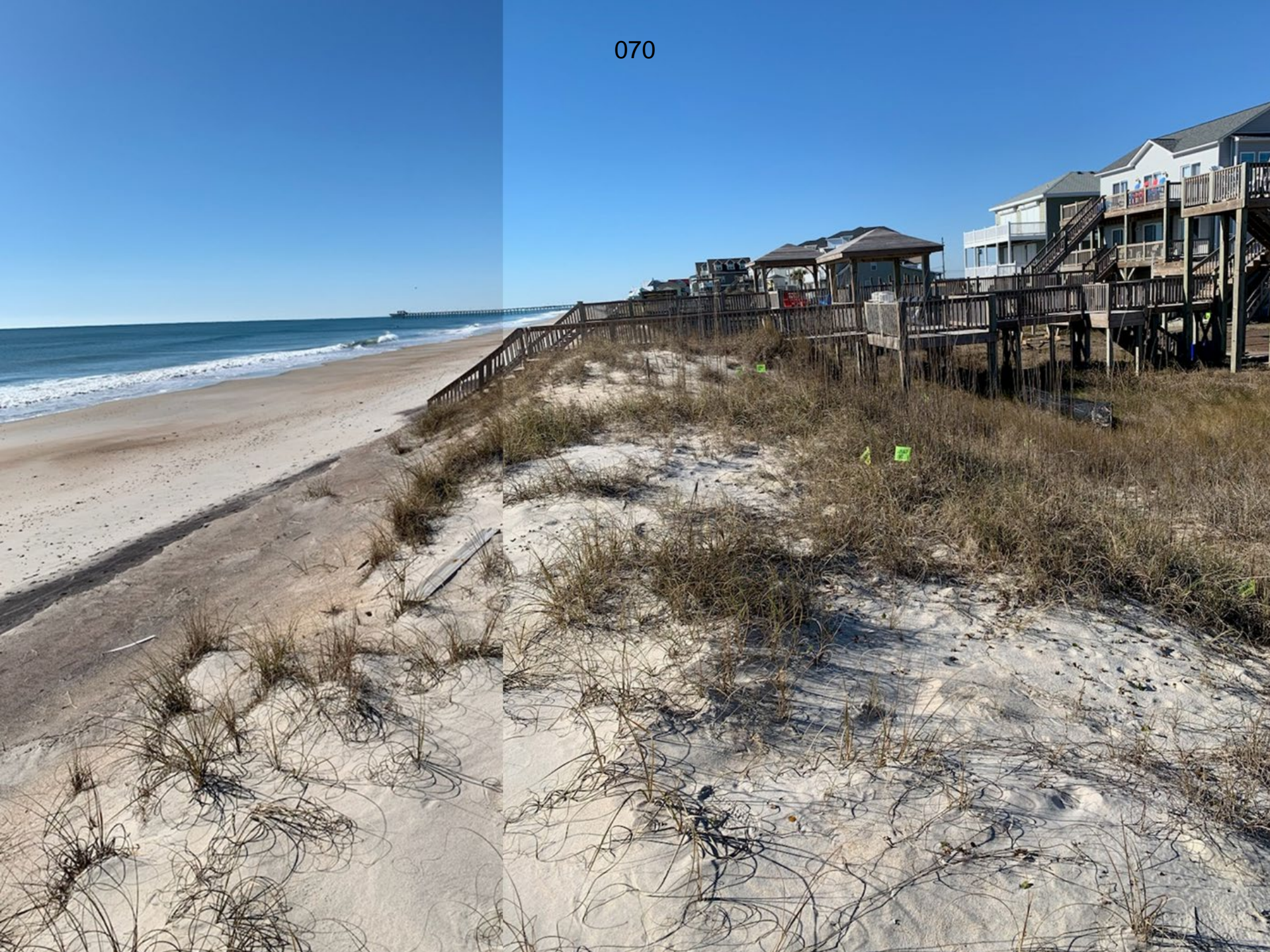
Ocean →



View of the side of the house (facing up the beach)



070



1180 New River Inlet Road, North Topsail Beach, NC

Subject Property –
1180 New River Inlet Rd,
North Topsail Beach



9/26/2024, 2:57:58 PM

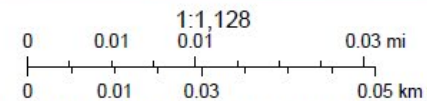
Vegetation Lines - Oceanfront (1938-2020)

Setback Factors (2020)

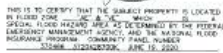
Erosion Rates (2020)

Pre-Project Vegetation Lines

Erosion
Parcels



Esri Community Maps Contributors, State of North Carolina DOT, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, NC CGIA, Maxar, Microsoft



THIS PROPERTY IS LOCATED WITHIN THE COASTAL BARRIER RESOURCE SYSTEM LBE, EFFECTIVE 10/01/1983. THIS AREA IS NOT COVERED BY FEDERAL FLOOD INSURANCE FOR BUILDINGS CONSTRUCTED, PERMITTED, SUBSTANTIALLY IMPROVED OR DAMAGED AFTER 10/01/1983.

EXISTING DWELLING WITHOUT GAVES	=	1228 Sq Ft
EXISTING GARAGE	=	102 Sq Ft
EXISTING PREVIOUS GRASS DRIVE	=	0 Sq Ft
EXISTING TOTAL IMPERVIOUS SURFACE	=	1330 Sq Ft
TOTAL LOT AREA	=	15023 Sq Ft
EXISTING IMPERVIOUS AREA	=	8.8%

EXISTING DWELLING ON PILINGS IN
LOOSE PARK DUE TO FIRE. PARTIAL
ENCLOSED BELOW

NOTE:
RESTRICTIVE COORDINATES D.B. H30, P. 255 under
IMPERVIOUS SURFACE TO 3644 Sd/L.

NOTE:
ENTIRE PROPERTY RESTS WITHIN
270' OCEAN HAZARD SETBACK

1926

ENTER PROPERTY IS LOCATED WITHIN 575' OF THE NORMAL MEAN HIGH WATER LINE CONTIGUOUS WITH STUMP SOUND WHICH IS CLASSIFIED BY THE STATE OF NC AS OUTSTANDING RESOURCE WATERS (ORW)

APPROXIMATE EXPOSED
DWARFING LOCATION
1180
LOCATION SCALED FROM
DANLOW COUNTY GIS

LINE TABLE		
LINE #	LENGTH	DIRECTION
LT	3.40'	N88°W72°E

CURVE #	LENGTH	RADIUS	CHORD	DEARING
C1	2.35'	5.00'	2.52'	MT32X32'

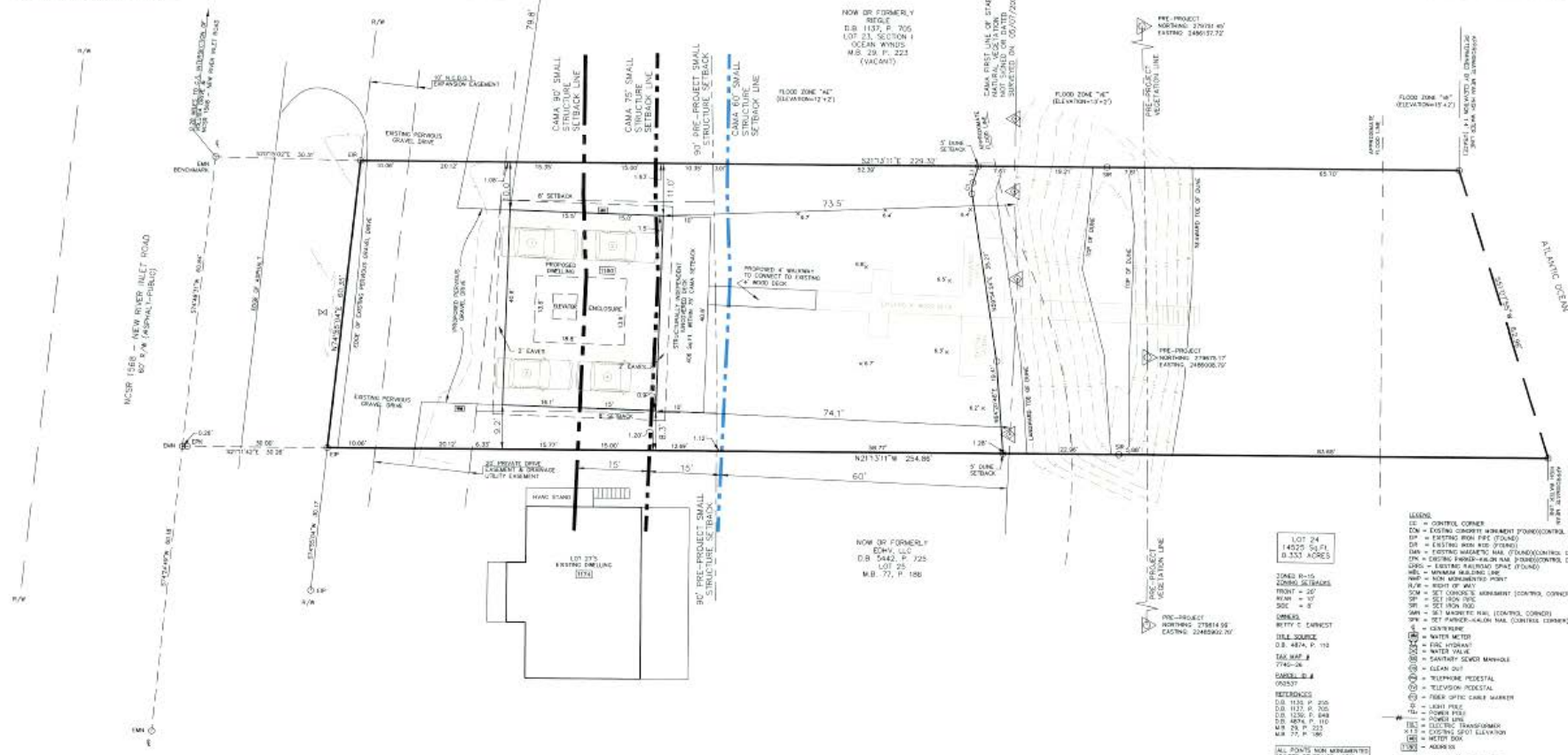
PROPOSED DRILLING WITHOUT EAVES	=	1301	Sq Ft
EXISTING GARAGE	=	107	Sq Ft
PROPOSED PERVIOUS DRIVE DRIVE	=	0	Sq Ft
PROPOSED TOTAL IMPERVIOUS SURFACE	=	1408	Sq Ft
TOTAL LOT AREA	=	14525	Sq Ft
PROPOSED IMPERVIOUS AREA	=	9.6%	

PROPOSED DWELLING IS TWO STORIES, PARTIALLY ENCLOSED BY
FOR ENTRY & STORAGE

FIRST FLOOR (HEATED): 1230 Sq Ft
 SECOND FLOOR (HEATED): 1230 Sq Ft
 TOTAL FLOOR AREA (HEATED): 2460 Sq Ft
 AS PER HOUSE PLANS

BENCH MARK: FMN
 ELEVATION: 5.77
 VERTICAL DATUM: NAD 88
 VERTICAL DATUM OBTAINED WITH: TOPCON
 GPS USED: N.C. GEODETIC CONTINUOUS
 OPERATING REFERENCE STATION

THIS PRELIMINARY PLOT PLAN IS SUBJECT TO BOTH
REVIEW & APPROVAL BY THE LOCAL JURISDICTION.



CHARLES F. RIGGS & ASSOCIATES, INC. (C-739)
LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS.
LAND PLANNING & COMPUTER MAPPING
502 NEW BRIDGE STREET
P.O. BOX 1570
JACKSONVILLE, NC 28540-1570
TELEPHONE (910) 455-0872
E-MAIL riggsland@riggslandinc.com

BOUNDARY, PHYSICAL & TOPOGRAPHIC SURVEY & PRELIMINARY PLOT PLAN
FOR
BETTY C. EARNEST
LOT 24, SECTION 1, OCEAN WYNDS, M.B. 29, P. 223
STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA
BETTY C. EARNEST, OWNER; D.B. 4874, P. 110
1180 NEW RIVER INLET ROAD

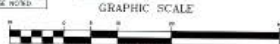
LOT 24
 14525 Sq. Ft.
 0.333 ACRES

ZONED R-15
 420000 S. 1/4 TRACT
 FRONT = 26'
 REAR = 37'
 SID = 8'

COMMENTS
 BETTY C. EMMETT
 TITLE SOURCE
 O.B. 4874, P. 112
 TAX MAP #
 7740-26
 PARCEL ID #
 005237

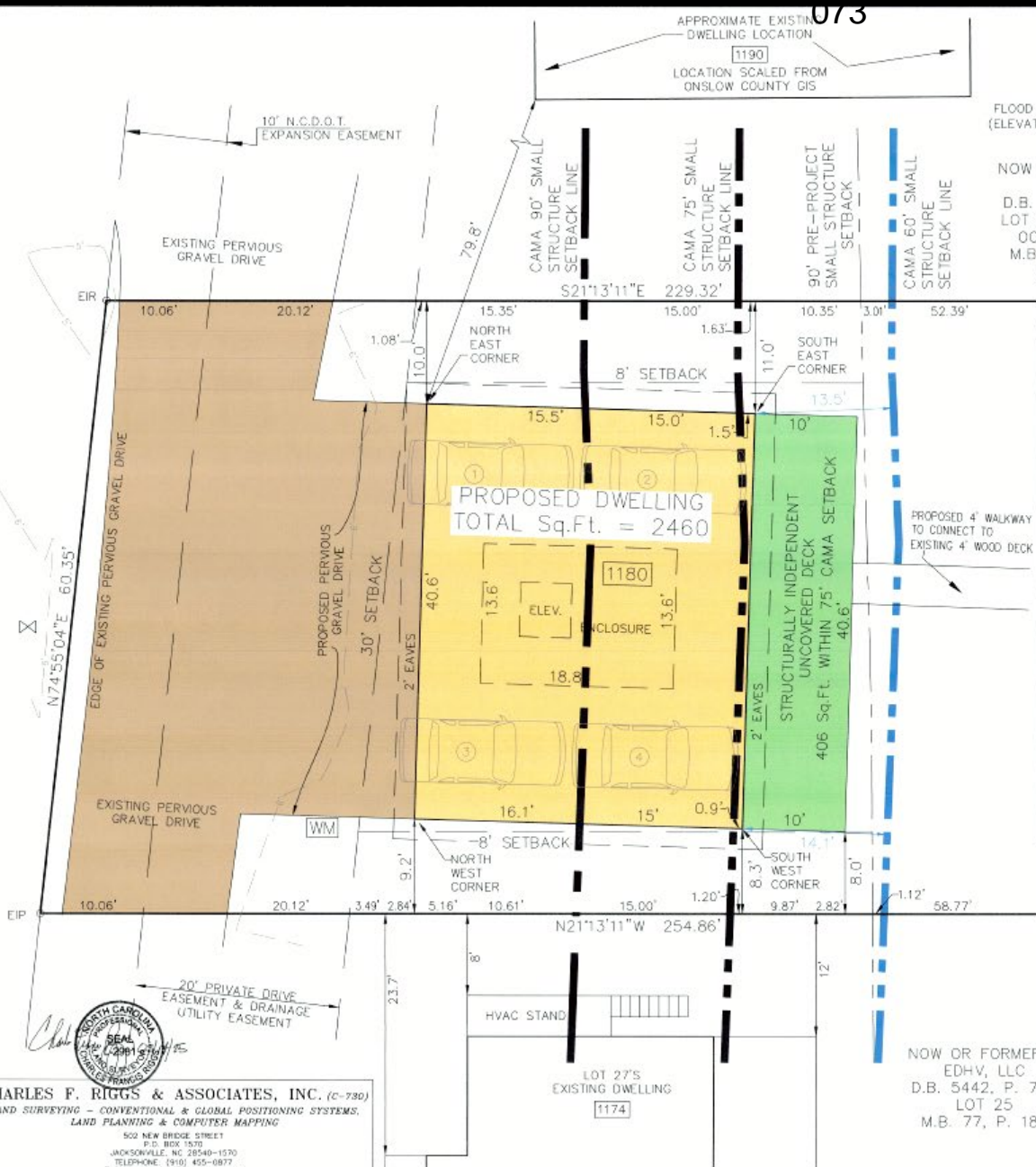
REFERENCES
 D.B. 1135, P. 250
 D.B. 1137, P. 305
 D.B. 1230, P. 648
 D.B. 4874, P. 112
 M.R. 73, P. 232
 M.R. 77, P. 586

ALL POINTS NOT MEASURED

[illegible]

ACTUAL FIELD SURVEY DATE: MAY 07, 2024
 MAPPING DATE: MARCH 14, 2025
 FIELD BOOK: 1385 PAGE: 15
 PROJECT NUMBER: 24-05-03 JTG
 SHEET 1 OF 2

073



FLOOD ZONE "AE"
(ELEVATION=12'+2')

NOW OR FORMERLY
RIGLE
D.B. 1137, P. 705
LOT 23, SECTION 1
OCEAN WYNDS
M.B. 29, P. 223
(VACANT)

PROPOSED DWELLING WITHOUT EAVES	=	1301 Sq.Ft.
EXISTING GAZEBO	=	107 Sq.Ft.
PROPOSED PERVIOUS GRAVEL DRIVE	=	0 Sq.Ft.
PROPOSED TOTAL IMPERVIOUS SLRFACE	=	1408 Sq.Ft.
TOTAL LOT AREA	=	14525 Sq.Ft.
PROPOSED IMPERVIOUS AREA	=	9.6%

LOT 24
14525 Sq.Ft.
0.333 ACRES

CHECKLIST:

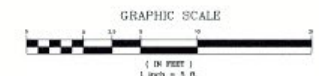
- PROPOSED DWELLING'S NORTH EAST CORNER IS 2.1' FROM THE FRONT SETBACK
PROPOSED DWELLING'S NORTH EAST CORNER IS 2.0' FROM THE LEFT SIDE SETBACK
PROPOSED DWELLING'S NORTH WEST CORNER IS 5.3' FROM THE FRONT SETBACK
PROPOSED DWELLING'S NORTH WEST CORNER IS 1.3' FROM THE RIGHT SIDE SETBACK
PROPOSED DWELLING'S SOUTH EAST CORNER IS 3.0' FROM THE LEFT SIDE SETBACK
PROPOSED DWELLING'S SOUTH WEST CORNER IS 0.3' FROM THE RIGHT SIDE SETBACK
- CAMA FIRST LINE OF STABLE NATURAL VEGETATION,
PRE-PROJECT VEGETATION LINE & NORTH TOPSAIL BEACH 5' DUNE SETBACK AS SHOWN
- PROPOSED DWELLING'S SOUTH EAST CORNER IS 73.5' FROM
THE CAMA FIRST LINE OF STABLE NATURAL VEGETATION
PROPOSED DWELLING'S SOUTH WEST CORNER IS 74.1' FROM
THE CAMA FIRST LINE OF STABLE NATURAL VEGETATION
- PROPOSED DWELLING'S SOUTH EAST CORNER IS 13.5' LANDWARD
OF THE 60' CAMA SMALL STRUCTURE SETBACK
PROPOSED DWELLING'S SOUTH WEST CORNER IS 14.1' LANDWARD
OF THE 60' CAMA SMALL STRUCTURE SETBACK
- PROPOSED DWELLING'S DECK IS STRUCTURALLY INDEPENDENT AND UNCOVERED
- ENTIRE PROPERTY IS LOCATED WITHIN 575' OF THE NORMAL/MEAN HIGH WATER LINE
CONTIGUOUS WITH STUMP SOUND WHICH IS CLASSIFIED BY THE STATE OF NC AS
OUTSTANDING RESOURCE WATERS (ORW).
TOTAL IMPERVIOUS WITHIN 575' ORW = 1408 Sq.Ft.
TOTAL LOT AREA WITHIN 575' ORW = 14525 Sq.Ft.
TOTAL IMPERVIOUS AREA WITHIN 575' ORW = 9.6%

NOTE:
PROPOSED DWELLING IS TWO STORY ON
PILINGS, PARTIALLY ENCLOSED BELOW FOR
ENTRY & STORAGE.

PEAK OF PROPOSED DWELLING IS ALLOWED,
AT MAXIMUM, 48'.

NOTE

FIRST FLOOR (HEATED): 1230 Sq.Ft.
SECOND FLOOR (HEATED): 1230 Sq.Ft.
TOTAL FLOOR AREA (HEATED): 2460 Sq.Ft.
AS PER HOUSE PLANS



ACTUAL FIELD SURVEY DATE: MAY 07, 2024
MAPPING DATE: MARCH 14, 2025
FIELD BOOK: 1385 PAGE: 15
PROJECT NUMBER: 24-05-03 176

SHEET 22 OF 22



CHARLES F. RIGGS & ASSOCIATES, INC. (C-730)
LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS,
LAND PLANNING & COMPUTER MAPPING

500 NEW BRIDGE STREET
P.O. BOX 1570
JACKSONVILLE, NC 28540-1570
TELEPHONE: (910) 455-0877
E-MAIL: riggsand@riggsand.com

NOW OR FORMERLY
EDHV, LLC
D.B. 5442, P. 725
LOT 25
M.B. 77, P. 186



G.S. 113A-120.1

To grant a variance, the Commission must affirmatively find Petitioner must show each of the four factors listed in G.S. 113A-120.1(a).

- (1) that unnecessary hardships would result from strict application of the development rules, standards, or orders issued by the Commission;**
- (2) that such hardships result from conditions peculiar to the petitioner's property such as location, size, or topography;**
- (3) that such hardships did not result from actions taken by the petitioner; and**
- (4) that the requested variance is consistent with the spirit, purpose and intent of the Commission's rules, standards or orders; will secure the public safety and welfare; and will preserve substantial justice.**

(b) The Commission may impose reasonable and appropriate conditions and safeguards upon any variance it grants.